

**OFFICIAL PROCEEDINGS
MINNEAPOLIS CITY COUNCIL**

**REGULAR MEETING OF
MARCH 12, 2021**

(Published March 20, 2021, in *Finance and Commerce*)

CALL TO ORDER

Council President Bender called the meeting to order at 9:30 a.m., a quorum being present.

Pursuant to Minnesota Statutes Section 13D.021, the meeting was held by electronic means and Council Members participated remotely due to the local public health emergency (novel coronavirus pandemic) declared on March 16, 2020.

Present - Council Members Kevin Reich, Cam Gordon, Steve Fletcher, Phillipe Cunningham, Jeremiah Ellison, Jamal Osman, Lisa Goodman, Andrea Jenkins, Alondra Cano, Lisa Bender, Jeremy Schroeder, Andrew Johnson, Linea Palmisano.

Bender moved to adopt the agenda, including the following amendments:

1. Under the Order of New Business consideration of a draft letter advocating in support of the Minnesota Department of Transportation Advisory Council's six first-tier recommendations to fulfill obligations under the Next Generation Energy Act; and a direction to staff to submit the letter to the Commissioner of the Minnesota Department of Transportation as an official position of the City of Minneapolis.
2. Under the Order of Closed Session the litigation matter of Kaarin Nelson Schaffer, as Trustee for the Next of Kin of George P. Floyd, Jr., deceased v. Derek Chauvin, Tou Thao, Thomas Lane, J. Alexander Kueng, and the City of Minneapolis.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted, as amended.

Jenkins moved to accept the minutes of the regular meeting of February 26, 2021.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

Jenkins moved to refer the petitions, communications, and reports to the proper Committees.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following actions, resolutions, and ordinances were signed by Mayor Jacob Frey on March 15, 2021. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the Office of City Clerk.

NEW BUSINESS

Mayor Jacob Frey presented a written report relating to the local public health emergency resulting from imminent health conditions caused by the presence of the Coronavirus Disease (COVID-19), as set forth in Legislative File No. 2021-00102.

On direction by Council President Bender, the report was received and filed.

Bender moved to adopt Resolution 2021R-056 amending Resolution 2018R-001, adopted January 8, 2018, as amended March 27, May 22, and August 28, 2020, pertaining to the restructuring of the City Council's standing committee system during the Local Public Health Emergency, and providing further operating modifications.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-056

By Bender

Amending Resolution 2018R-001 entitled “Designating Standing Committees of the City Council,” adopted January 8, 2018, as amended March 27, May 22, and August 28, 2020, pertaining to the restructuring of the City Council’s standing committee system during the Local Public Health Emergency, and providing further operating modifications.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

That pursuant to Rule II, Section 1B of the Minneapolis City Council Rules, the designation of standing committees established as part of the 2018 Organizational Meeting be and hereby is amended as set forth in the following table:

STANDING COMMITTEES	MEMBERS	QUORUM
Budget	13	7
Committee of the Whole	13	7
Economic Development & Regulatory Services	6	4
Elections & Rules	13	7

Enterprise	6	4
Housing Policy & Development	6	4
Intergovernmental Relations	6	4
Public Health, Environment, Civil Rights & Engagement	6	4
Public Safety & Emergency Management	6	4
Transportation & Public Works	6	4
Ways & Means	6	4
Zoning & Planning	6	4
Business, Inspections, Housing & Zoning	6	4
Public Health & Safety	6	4
Transportation & Public Works	6	4
Policy & Government Oversight	13	7
<u>Committee of the Whole</u>	<u>13</u>	<u>7</u>

That during the declared state of local public health emergency, as first issued by Mayor Frey on Monday, March 16, 2020, and subsequently ratified by the City Council at its special emergency meeting on Thursday, March 19, 2020, the standing committees that were designated at the organizational meeting shall be suspended pending further action of the City Council; and that the new standing committees are hereby established; to-wit:

BUSINESS, INSPECTIONS, HOUSING & ZONING (6 members – quorum 4): Goodman (chair); Schroeder (vice-chair); Reich; Gordon; Ellison; and Osman

The BIHZ Committee will exercise primary oversight of all matters related to economic development; land use, development, and zoning; housing policy and related matters; employment and training programs; and all inspection functions and license applications. Also serves as the Minneapolis Community Development Agency (MCDA) Operating Committee.

PUBLIC HEALTH & SAFETY (6 members – quorum 4): Cunningham (chair); Fletcher (vice-chair); Gordon; Ellison; Cano; and Palmisano

The PHS Committee will exercise primary oversight of public health and social service programs; sustainability; civil rights; equity; immigration; outreach and community engagement; and oversight of policies and service delivery related to public safety and emergency management.

TRANSPORTATION & PUBLIC WORKS (6 members – quorum 4): Reich (chair); Bender (vice-chair); Gordon; Fletcher; Johnson; and Palmisano

The TPW Committee will exercise primary oversight of infrastructure improvements, traffic and traffic-management issues; special service districts and related assessments; bicycle and pedestrian plans and initiatives; recycling and solid waste disposal issues; and appeals relating to block events and encroachment permits.

POLICY & GOVERNMENT OVERSIGHT (13 members – quorum 7): Jenkins (chair); Ellison (vice-chair); Reich; Gordon; Fletcher; Cunningham; Osman; Goodman; Cano; Bender; Schroeder; Johnson; and Palmisano

The POGO Committee will have primary oversight of all matters tied to general enterprise operations, strategic direction and priorities and any initiatives or programs not otherwise covered by the expanded committee structure; this would include the jurisdictions of the following former committees: ~~Committee of the Whole (including Race Equity Subcommittee)~~; Elections & Rules Committee; Enterprise Committee; and Intergovernmental Relations Committee.

Under the purview of the Policy & Government Oversight Committee, there is established two Subcommittees that shall consist of all Council Members: Finance, with Fletcher as chair; and Equity, with Ellison as chair.

COMMITTEE OF THE WHOLE (13 members – quorum 7): Jenkins (chair); Ellison (vice-chair); Reich; Gordon; Fletcher; Cunningham; Osman; Goodman; Cano; Bender; Schroeder; Johnson; and Palmisano
COW will receive reports, studies, and presentations that would otherwise be presented at the POGO Committee but where no action is anticipated or required; and review the reports from standing committees prior to final action by Council.

That the Budget Committee will meet to consider, transact, and make recommendations on the City’s budget, including the conduct of public hearings and any necessary mark-up functions, on dates and times approved by the Council President.

That the City Council will consider and act upon the recommendations submitted by its Standing Committees, along with any other business necessary to effectuate the legislative and policy-making processes during the declared state of emergency.

That the City Council and its Standing Committee shall conduct regular meetings according to a recurring two-week cycle, as reflected in the example calendar below, and that this operating structure will remain in effect until termination of the declared state of emergency or by further action of the City Council.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1:30 – BIHZ	1:30 – TPW	1:30 – PHS	
		1:30 – POGO	<u>10:00 – COW</u>	9:30 – Council

Be It Further Resolved that the City Clerk is hereby authorized and directed to update, as necessary, the “Proposal to Restructure the Minneapolis City Council and its Operations” guide so that it remains a ready reference to the operations, procedures, and protocols to be observed during the declared emergency.

Be It Further Resolved that the City Clerk is hereby authorized and directed to update the Council Calendar and Committee calendars to reflect these adjustments to the modified structure and operations of the City Council, as set forth in LIMS File No. 2018-01386.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

(Pursuant to City Charter, Article IV, Section 4.4, this act was not presented to the Mayor)

COUNCIL ACTION 2021A-0180

Bender moved to direct the City Clerk to:

1. Amend the 2021 Council and Committees Calendar to reflect the revised biweekly cycle of regular meetings, effective March 29, 2021;
2. Publish and post the amended 2021 Calendar in appropriate places as public notice for the regular meetings thereof;

3. Incorporate such further or additional changes to the 2021 Council and Committees Calendar, as amended, to accommodate the needs of the City Council; and
4. Adjust matters previously referred to committees and re-direct those items to the appropriate committee meeting dates and times under the revised two-week meeting cycle.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

(Pursuant to City Charter, Article IV, Section 4.4, this act was not presented to the Mayor)

COUNCIL ACTION 2021A-0181

Schroeder moved to approve a letter in support of the Minnesota Department of Transportation Sustainable Transportation Advisory Council's six first-tier recommendations in reducing greenhouse emissions, protecting the health and environment of the state of all people, and securing a just and sustainable future for all Minnesotans, as set forth in Legislative File No. 2021-00337 on file in the Office of the City Clerk. Further, to direct the Intergovernmental Relations staff to submit the letter to the Commissioner of the Minnesota Department of Transportation as an official position of the City of Minneapolis.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

REPORTS OF STANDING COMMITTEES

The BUSINESS, INSPECTIONS, HOUSING & ZONING Committee submitted the following report:

COUNCIL ACTION 2021A-0182

The Minneapolis City Council hereby approves the appointment by the Executive Committee of Andrea Brennan to the appointed position of Director of Community Planning & Economic Development Department and Executive Director of the Minneapolis Community Development Agency for an unexpired term ending Jan 3, 2022.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

(Published 3/16/2021; republished 5/25/2021)

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-057 authorizing the sale of the property at 2837 Chicago Ave (Disposition Parcel No. CL-9), to Allina Health Systems or affiliated entity for \$143,000.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-057
By Goodman

Authorizing sale of land Disposition Parcel CL-9 at 2837 Chicago Ave.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel CL-9 from Allina Health Systems or an affiliated entity, hereinafter known as the Redeveloper, the Parcel CL-9, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota, to wit:

Legal Description of Disposition Parcel CL-9; 2837 Chicago Ave: Tract B, Registered Land Survey No. 1752, Hennepin County, Minnesota. Being Registered land as is evidenced by Certificate of Title No. 1498940; and

Whereas, the Redeveloper has offered to pay the sum of \$143,000 for Parcel CL-9, and the Redeveloper's proposal is in accordance with the Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a \$143,000 re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 12, 2021, a public hearing on the proposed sale was duly held on March 2, 2021, at the Minneapolis City Hall, 350 5th St S, Room 317, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$143,000 for Parcel CL-9.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) Land sale closing must occur on or before May 1, 2021. The City is in the process of clearing title and closing will take place after title is cleared.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the

Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate official of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

(Published 3/16/2021)

COUNCIL ACTION 2021A-0183

The Minneapolis City Council hereby authorizes execution of agreements to facilitate the land sale with Allina Health Systems or affiliated entity relating to the sale of City-owned property located at 2837 Chicago Ave (Disposition Parcel No. CL-9).

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

(Published 3/16/2021)

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-058 approving the sale of the properties at 2109 James Avenue North, 2009 Ilion Avenue North and 1706, 1710, 1714, 1716, 1720, 1726, 1800, 1804, 1808, 1818, 1820, 1826, 1900, 1904, 1910, 1914, 1918, and 1920 West Broadway Avenue to West Broadway Limited Partnership or an affiliated entity for \$500,000, subject to conditions.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-058

By Goodman

Authorizing sale of land Disposition Parcels WB 1-8, VH-269, WB 3-8, WB 3-7, WB 3-6, WB 3-5, WB 3-4, WB 3-3, WB 3-2, WB 3-1, WB 1-7, WB 1-6, WB 1-5, WB 1-4, WB 1-3, WB 1-2, WB 1-1, WB 1-9, WB 1-10, WB 1-11 at 2109 James Ave N, 2009 Ilion Ave N, 1706, 1710, 1714, 1716, 1720, 1726, 1800, 1804, 1808, 1818, 1820, 1826, 1900, 1904, 1910, 1914, 1918, 1920 West Broadway Ave.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels WB 1-8, VH-269, WB 3-8, WB 3-7, WB 3-6, WB 3-5, WB 3-4, WB 3-3, WB 3-2, WB 3-1, WB 1-7, WB 1-6, WB 1-5, WB 1-4, WB 1-3, WB 1-2, WB 1-1, WB 1-9, WB 1-10, WB 1-11 from West Broadway Limited Partnership or an affiliated entity, hereinafter known as the Redeveloper, the

Parcels WB 1-8, VH-269, WB 3-8, WB 3-7, WB 3-6, WB 3-5, WB 3-4, WB 3-3, WB 3-2, WB 3-1, WB 1-7, WB 1-6, WB 1-5, WB 1-4, WB 1-3, WB 1-2, WB 1-1, WB 1-9, WB 1-10, WB 1-11, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota, to wit:

Legal Description of Disposition Parcels: WB 1-8: 2009 Ilion Ave N; The Northeasterly 45 feet of Lots 51 and 52, Block 19, Forest Heights, VH-269: 2109 James Ave N; Lot 26, Block 19, Forest Heights, WB 3-8:1706 West Broadway; Lot 43, Block 19, "Forest Heights", WB 3-7:1710 West Broadway; Lot 44, Block 19, "Forest Heights", WB 3-6:1714 West Broadway; Lot 45, Block 19, "Forest Heights", WB 3-5: 1716 West Broadway; Lot 46, Block 19, Forest Heights, except Highway Right of Way set forth in Document No. 4040273, WB 3-4: 1720 West Broadway; Lot 47, Block 19, Forest Heights Addition, WB 3-3: 1726 West Broadway; Lot 48, Block 19, Forest Heights, WB 3-2:1800 West Broadway; Lot 49, Block 19, Forest Heights, WB 3-1: 1804 West Broadway; Lot 50, Block 19, Forest Heights, WB 1-7: 1808 West Broadway; Lots 51 and 52, Block 19, Forest Heights, except the northeasterly 45 feet thereof, WB 1-6: 1818 West Broadway; Lot 53, Block 19, Forest Heights, WB 1-5: 1820 West Broadway; Lot 54, Block 19, except street, Forest Heights, WB 1-4: 1826 West Broadway; Lot 55, Block 19, FOREST HEIGHTS, WB 1-3: 1900 West Broadway; Lot 56, Block 19, Forest Heights, except that portion taken for street purposes, WB 1-2: 1904 West Broadway; Lot 57 and the Southeasterly 3 feet of Lot 58, Block 19, Forest Heights, WB 1-1; 1910 West Broadway; Lot 58, Block 19, "Forest Heights", except that part of the said Lot lying between the Southeasterly line thereof and a line parallel thereto and 3 feet perpendicularly distant Northwesterly therefrom, WB 1-9: 1914 West Broadway; Lot 59, Block 19, Forest Heights, WB 1-10: 1918 West Broadway; Lot 60, Block 19, Forest Heights, WB 1-11: 1920 West Broadway; Lot 61, Block 19, Forest Heights, 2109 James Ave N; Lot 26, Block 19, Forest Heights; and

Whereas, the Redeveloper has offered to pay the sum of \$500,000 for Parcels WB 1-8, VH-269, WB 3-8, WB 3-7, WB 3-6, WB 3-5, WB 3-4, WB 3-3, WB 3-2, WB 3-1, WB 1-7, WB 1-6, WB 1-5, WB 1-4, WB 1-3, WB 1-2, WB 1-1, WB 1-9, WB 1-10, WB 1-11; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a \$500,000 re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 12, 2021, a public hearing on the proposed sale was duly held on March 2, 2021, at the Minneapolis City Hall, 350 5th St S, Room 317, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$500,000 for Parcels WB 1-8, VH-269, WB 3-8, WB 3-7, WB 3-6, WB 3-5, WB 3-4, WB 3-3, WB 3-2, WB 3-1, WB 1-7, WB 1-6, WB 1-5, WB 1-4, WB 1-3, WB 1-2, WB 1-1, WB 1-9, WB 1-10, WB 1-11.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) Land sale closing must occur on or before 120 days from the date this Resolution is approved by the City; and 2) Payment of holding costs of \$0.00 per month if the land sale closing does not occur on or before the closing deadline. The City is in the process of clearing title and closing will take place after title is cleared.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate official of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0184

The Minneapolis City Council hereby authorizes a redevelopment contract and related documents relating to the properties at 2109 James Avenue North, 2009 Ilion Avenue North and 1706, 1710, 1714, 1716, 1720, 1726, 1800, 1804, 1808, 1818, 1820, 1826, 1900, 1904, 1910, 1914, 1918, and 1920 West Broadway Avenue.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-059 authorizing preliminary and final approval of the issuance of Tax Exempt Multifamily Housing Revenue Entitlement Bonds in an amount not to exceed \$17,000,000 for the West Broadway Curve (AKA Beam) project at 1706-1920 W Broadway Ave, 2009 Ilion Ave N, and 2109 James Ave N.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-059

By Goodman

Providing final approval of and authorizing the issuance, sale, and delivery of tax-exempt multifamily housing revenue bonds or obligations under Minnesota Statutes, Chapter 462C, as amended, for the purpose of financing a housing program consisting of the acquisition, construction, and equipping of a multifamily rental housing development for the benefit of West Broadway Limited Partnership; approving the forms of and authorizing the execution and delivery of the obligations and related documents; providing for the security, rights, and remedies with respect to the obligations; and granting approval for certain other actions with respect thereto.

Whereas, the City of Minneapolis (the “City”) is authorized, under the provisions of Minnesota Statutes, Chapter 462C, as amended (the “Act”), to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for multifamily housing developments; and

Whereas, representatives of West Broadway Limited Partnership, a Minnesota limited partnership (the “Borrower”), have requested that the City adopt a multifamily housing development program (the “Program”) to provide for the issuance of one or more tax-exempt multifamily housing revenue bonds or other obligations, in an aggregate principal amount not to exceed \$17,000,000 (including without limitation the Series 2021A Note and the Series 2021B Note described below and any additional series issued to finance the Project hereinafter defined, collectively, the “Obligations”), for the purpose of loaning the proceeds thereof to the Borrower to finance in part the acquisition, construction, and equipping of an approximately 92-unit multifamily rental housing development, and facilities functionally related and subordinate thereto, comprised of one 72-unit, four-story mixed-income apartment building, and 20 two-story rental townhome units, to be located at 2009 Ilion Avenue North, 1706, 1710, 1714, 1716, 1720, 1726, 1800, 1804, 1808, 1818, 1820, 1826, 1900, 1904, 1910, 1914, 1918 and 1920 West Broadway Avenue, and 2109 James Avenue North in the City (the “Project”), to be developed and owned and operated by the Borrower, the general partner of which is West Broadway GP LLC, a Minnesota limited liability company.

Whereas, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations promulgated thereunder, require that prior to the issuance of the Obligations, this Council approve the Obligations after conducting a public hearing thereon preceded by publication of a notice of public hearing (in the form required by Section 147(f) of the Code and applicable regulations) in a newspaper of general circulation at least fourteen (14) days prior to the public hearing date; and

Whereas, Section 462C.04 of the Act requires that, as a condition to the issuance of the Obligations, a public hearing must be held on the Program after one publication of notice in a newspaper circulating generally in the City at least fifteen (15) days before the hearing; and

Whereas, in accordance with the requirements of the Act and the Code, a notice of public hearing in the form required by the Act and Section 147(f) of the Code was published in *Finance & Commerce*, the official newspaper of the City, on February 13, 2021, and in the *Star Tribune*, a newspaper of general circulation in the City, on February 13, 2021; and

Whereas, in accordance with the requirements of Section 462C.04 of the Act, the Program was submitted to the Metropolitan Council for its review and comment on or before the date of publication of the notice of public hearing; and

Whereas, on March 2, 2021, the Business, Inspections, Housing & Zoning Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Obligations in accordance with the requirements of the Act and the Code; and

Whereas, the Obligations shall not constitute a debt of the City within the meaning of any state constitutional provision or statutory limitation, the Obligations shall not constitute or give rise to a charge against the general credit or taxing powers of the City, the Obligations shall not constitute or give rise to a pecuniary liability of the City, and the Obligations shall be payable solely out of any funds and properties expressly pledged as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Program is hereby approved and adopted by the City in all respects in the form now on file with the City, without amendment.

Be It Further Resolved that for the purpose of financing a portion of the costs of the acquisition, construction, and equipping of the Project and related costs, the issuance of the Obligations in accordance with the terms and conditions of the Act, the Program, and this resolution, in an aggregate principal amount not to exceed \$17,000,000, is hereby approved.

Be It Further Resolved that the Obligations may be designated as Multifamily Housing Revenue Bond (BEAM Project), Series 2021A (the "Series 2021A Note"), in the approximate principal amount of \$15,484,000, and Multifamily Housing Revenue Bond (BEAM Project), Series 2021B (the "Series 2021B Note"), in the approximate principal amount of \$1,516,000, and issued in any additional series, as determined in the discretion of the Finance Officer of the City (the "Finance Officer"). The Obligations may be given a different designation in the discretion of the Finance Officer. The Series 2021A Note and the Series 2021B Note, substantially in the forms now on file with the City, are hereby approved with the amendments referenced herein. The Obligations are to be sold to Cedar Rapids Bank and Trust Company, an Iowa banking corporation, or one or more other banks or other financial institutions selected by the Borrower (the "Lender"), in a private placement under terms and conditions negotiated between the Borrower and the Lender.

Be It Further Resolved that the proceeds derived from the sale of the Series 2021A Note are to be loaned by the City to the Borrower under the terms of a Loan Agreement, dated on or after April 1, 2021 (the "Series 2021A Loan Agreement"), between the City and the Borrower and the proceeds derived from the sale of the Series 2021B Note are to be loaned by the City to the Borrower under the terms of a Loan Agreement, dated on or after April 1, 2021 (the "Series 2021B Loan Agreement" and together with the Series 2021A Loan Agreement, the "Loan Agreements"), between the City and the Borrower. The payments to be made by the Borrower under the Loan Agreements are fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Obligations when due. When executed, the right, title and interest of the City in, to and under, among other things, the Loan Agreements (except as therein provided) will be assigned to the Lender pursuant to an Assignment of Loan Agreement, dated on or after April 1, 2021, between the City, the Lender, and the Borrower (the "Series 2021A Assignment") as to the Series 2021A Note and pursuant to an Assignment of Loan Agreement, dated on or after April 1, 2021, between the City, the Lender, and the Borrower (the "Series 2021B Assignment" and together with the Series 2021A Assignment, the "Assignments") as to the Series 2021B Note. The Loan Agreements and the Assignments are hereby approved and the Finance Officer is hereby authorized to execute and deliver the Loan Agreements and the Assignments on behalf of the City. All of the provisions of the Loan Agreements and the Assignments, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreements and the Assignments shall be substantially in the forms now on file with

the City with such necessary and appropriate variations, omissions, and insertions as do not adversely affect the City, as the Finance Officer, in her discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination. The proceeds of the loans to be made under the terms of the Loan Agreements (the “Loans”) are hereby authorized to be applied to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs.

Be It Further Resolved that the City acknowledges, finds, determines, and declares that the issuance of the Obligations is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Obligations, and the other actions of the City under this resolution and the Loan Agreements constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Obligations for the financing of the Project and related costs, the City’s purpose is, and the effect thereof will be, to promote the public welfare of the City and its residents by providing multifamily housing developments for low and moderate income residents of the City and otherwise furthering the purposes and policies of the Act.

Be It Further Resolved that the City hereby authorizes the Obligations to be issued as “tax-exempt bonds” the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

Be It Further Resolved that in accordance with the provisions of Minnesota Statutes, Chapter 474A, as amended (“Chapter 474A”), and Section 146 of the Code, the City shall: (i) allocate to the Obligations a portion of its “entitlement issuer allocation” granted under the provisions of Chapter 474A and Section 146 of the Code; or (ii) allocate to the Obligations a portion of its “carryforward allocation;” or (iii) allocate to the Obligations a portion of recycled volume cap previously allocated and available pursuant to Section 146(i)(6) of the Code; or (iv) allocate to the Obligations a portion of its entitlement issuer allocation, a portion of its carryforward allocation, a portion of recycled volume cap, or any combination thereof.

Be It Further Resolved that all of the provisions of the Obligations, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Obligations shall bear interest at the fixed or variable rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be issued in the aggregate principal amounts, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in this resolution, the forms of the Obligations, and the Loan Agreements, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amounts of the Obligations, as long as the aggregate principal amount of the Obligations does not exceed \$17,000,000, the stated maturities of the Obligations, the interest rates on the Obligations, and the terms of redemption of the Obligations) as the Finance Officer, in her discretion, shall determine. The execution of the Obligations with the manual or facsimile signature of the Finance Officer and the delivery of the Obligations by the City shall be conclusive evidence of such determination.

Be It Further Resolved that the Obligations shall not constitute general or moral obligations of the City but shall be special, limited obligations of the City payable solely from the revenues provided by the Borrower under the terms of the Loan Agreements and from the revenues and security pledged, assigned, and granted under the terms of this resolution, the Obligations, the Loan Agreements, the Assignments, and any other security documents provided by the Borrower or any other party to secure the timely payment of the principal of, premium, if any, and interest on the Obligations. As provided in the Loan Agreements, the Obligations shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Obligations shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Obligations or the interest or premium thereon, or to enforce

payment thereof against any property of the City except the interests of the City in the Loan Agreements and the revenues and assets thereunder, which will be assigned to the Lender.

Be It Further Resolved that the Obligations shall recite that the Obligations are issued under the Act, and that the Obligations, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Obligations shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

Be It Further Resolved that the City acknowledges and hereby approves any one or more of the following to be provided as security for the payment of the obligations of the Borrower under the Loan Agreements, and the payment of the principal of, premium, if any, and interest on the Obligations: (i) one or more mortgages, assignments of mortgage or security agreements granting a mortgage lien or security interest with respect to the Project or any portion thereof to the Lender; (ii) one or more collateral assignments of the contracts between the Borrower and the architect and contractor with respect to the Project; (iii) one or more indemnity agreements; (iv) one or more disbursing agreements, between the Borrower, the Lender, and a disbursing agent to be selected by the Borrower to provide for the disbursement of the proceeds of the Obligations and the Loan; and (v) assignments of rents, guarantees, and other security instruments and documents that are intended to ensure timely payment of the Loan and the Obligations.

Be It Further Resolved that in addition, the obligations of the Borrower under the Series 2021B Loan Agreement and payment of amounts due under the Series 2021B Note will be further secured by certain security instruments required by the Lender and in forms authorized by the Borrower to be executed by or on behalf of the Borrower in favor of the Lender, which security instruments the City acknowledges and hereby approves, and which may include a collateral assignment of tax increment revenue note from the Borrower to the Lender granting a security interest in the tax increment revenue note to be issued by the City to the Borrower in accordance with that certain development agreement between the City and the Borrower.

Be It Further Resolved that to ensure continuing compliance with certain rental and occupancy restrictions imposed by the Act, Chapter 474A, and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver a Regulatory Agreement, dated on or after April 1, 2021 (the "Regulatory Agreement"), between the City, the Borrower, and the Lender. The Regulatory Agreement shall be substantially in the form now on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, as the Finance Officer, in her discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

Be It Further Resolved that the Finance Officer is hereby designated as the representative of the City with respect to the issuance of the Obligations and the transactions related thereto. The Finance Officer is authorized, upon request, to furnish certified copies of all proceedings and records of the City relating to the Obligations, and such other affidavits and certificates as may be required to show the facts relating to the Obligations as such facts appear from the books and records in the custody and control of the City; and all such certified copies, certificates, and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein. The Finance Officer is hereby further authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Lender, the Borrower, or other persons or entities in conjunction with the issuance of the Obligations and the expenditure of the proceeds of the Obligations. Without imposing any limitations on the scope of the

preceding sentence, the Finance Officer is specifically authorized to execute and deliver such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Obligations, including one or more consents to the assignment of a development agreement, and other funds made available to the Borrower and the Project by the City and Hennepin County, one or more Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Obligations, endorsements to any tax certificates as to arbitrage, rebate, and other federal tax matters executed and delivered in connection with the issuance of the Obligations, appropriate amendments to the Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Obligations. The Finance Officer is hereby further authorized and directed to execute and deliver all other instruments and documents necessary to accomplish the purposes for which the Obligations are to be issued. The preparation and filing of Uniform Commercial Code financing statements with respect to the assignment of the interests of the City in the Loan Agreements (excluding any unassigned rights as provided in the Loan Agreement), are hereby authorized. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to the City (“Bond Counsel”), to prepare, execute, and deliver its approving legal opinions with respect to the Obligations.

Be It Further Resolved that it is not expected that any disclosure documents will be prepared in connection with the issuance and sale of the Obligations. In the event an official statement or other disclosure document is prepared relating to the offer and sale of the Obligations (the “Disclosure Documents”), the City will not participate in the preparation or distribution of such Disclosure Documents and will make no independent investigation with respect to the information contained in the Disclosure Documents, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information, except for any information contained therein describing the City, or litigation with respect to the City. Subject to the foregoing, the City hereby consents to the distribution of the Disclosure Documents. The City hereby approves the execution and delivery by the Borrower (and any guarantor of the obligations of the Borrower) of any continuing disclosure agreement prepared and delivered for the benefit of the Lender or any successors or assigns.

Be It Further Resolved that on any date subsequent to the date of issuance of the Obligations, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by and consultation with the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is not materially inconsistent with this resolution. The Finance Officer may impose any terms or conditions on the execution and delivery by the Finance Officer of any such amendment or supplement as the Finance Officer deems appropriate.

Be It Further Resolved that no covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the Council of the City, or any officer, agent, or employee of the City in that person’s individual capacity, and neither the Council of the City nor any officer, agent, or employee executing the Obligations or any such documents shall be personally liable on the Obligations or such documents or be subject to any personal liability or accountability by reason of the issuance of the Obligations or the execution and delivery of such documents. No provision, covenant, or agreement contained in the aforementioned documents, the Obligations, or in any other document relating to the Obligations, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds

or revenues, other than funds and revenues derived from the Loan Agreements, which are to be applied to the payment of the Obligations, as provided therein.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Obligations issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, the Lender, and any beneficial owners from time to time of the Obligations issued under the provisions of this resolution.

Be It Further Resolved that in case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Obligations issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Obligations, but this resolution, the aforementioned documents, and the Obligations shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

Be It Further Resolved that the Obligations, when executed and delivered, shall contain a recital that they are issued in accordance with the Act, and such recital shall be conclusive evidence of the validity of the Obligations and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Obligations, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

Be It Further Resolved that the Obligations are hereby designated “Program Bonds” and are determined to be within the “Housing Program” and the “Program,” all as defined in Resolution 88R-021 of the City adopted January 29, 1988, as amended and supplemented by Resolution 97R-402 of the City adopted December 12, 1997.

Be It Further Resolved that the United States Department of the Treasury has promulgated final regulations governing the use of the proceeds of tax-exempt obligations, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such obligations. Those regulations, including Treasury Regulations, Section 1.150-2 (the “Regulations”), require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulations also generally require that the Obligations be issued and the reimbursement allocation made from the proceeds of the Obligations occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Obligations.

Be It Further Resolved that the City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Obligations in an aggregate principal amount not to exceed \$17,000,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

Be It Further Resolved that based on representations by the Borrower, no expenditures for the Project have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution

other than: (i) expenditures to be paid or reimbursed from sources other than the Obligations; (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations; (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations; or (iv) expenditures in a “de minimis” amount (as defined in Section 1.150-2(f)(1) of the Regulations).

Be It Further Resolved that based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Obligations, other than pursuant to the issuance of the Obligations. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Be It Further Resolved that in anticipation of the issuance of the Obligations to finance all or a portion of the Project, and in order that completion of the Project will not be unduly delayed when approved, the Borrower is hereby authorized to make such expenditures and advances toward payment of that portion of the costs of the Project to be financed from the proceeds of the Obligations, as the Borrower considers necessary, including the use of interim, short-term financing, subject to reimbursement from the proceeds of the Obligations if and when delivered but otherwise without liability on the part of the City.

Be It Further Resolved that the officers of the City, the City Attorney, Bond Counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, or the Obligations, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Obligations, the aforementioned documents, and this resolution.

Be It Further Resolved that the Borrower has agreed to pay the administrative fees of the City in accordance with the applicable policies and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower.

Be It Further Resolved that it is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney’s fees and expenses incurred by the City) arising with respect to the Project and the Obligations, as provided for and agreed to by and between the Borrower and the City in the Loan Agreements.

Be It Further Resolved that the financing transaction represented by the Obligations is subject to all existing policies and procedures of the City and is also subject to any conduit bond policies and procedures subsequently adopted by the City to the extent the provisions thereof are intended to be applied retroactively to conduit revenue obligations issued prior to the adoption of such conduit bond policies and procedures.

Be It Further Resolved that this resolution shall take effect and be in force from and after its approval and publication. In accordance with the terms of Article IV, Section 4.4(d) of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official newspaper of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0185

The Minneapolis City Council hereby approves the following application for a Gambling License, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Minneapolis Riverview Lions, 400 HENNEPIN AVE E Minneapolis, MN, submitted by Minneapolis Riverview Lions, BLGeneral, LIC392909

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0186

The Minneapolis City Council hereby approves the following applications (8) for Liquor License Renewals, subject to final inspections and compliance with all provisions of applicable code and ordinances:

1. Fine Line Music Cafe, 318 1ST AVE N Minneapolis, MN, (Ward 3) submitted by First and Third Productions LLC, BLLiquor, LIC370888
2. First Avenue & 7th St Entry, 701 1ST AVE N Minneapolis, MN, (Ward 7) submitted by First Avenue Productions LLC, BLLiquor, LIC80007
3. Grande Sunrise, 5554 34TH AVE S Minneapolis, MN, (Ward 11) submitted by Grande Sunrise LLC, BLLiquor, LIC375097
4. Hennepin Theatre Trust, 900 HENNEPIN AVE Minneapolis, MN, (Ward 7) submitted by Hennepin Theatre Trust, BLLiquor, LIC359160
5. Hotel Ivy, 201 11TH ST S Minneapolis, MN, (Ward 7) submitted by Heartland Ivy Partners LLC, BLLiquor, LIC75906
6. Longfellow Grill, 2990 WEST RIVER PKWY Minneapolis, MN, (Ward 2) submitted by Blue Plate Restaurant Company, Inc., BLLiquor, LIC79199
7. Tibet Kitchen Bar & Restaurant, 1833 NICOLLET AVE Minneapolis, MN, (Ward 6) submitted by Tibet Kitchen Inc, BLLiquor, LIC375757
8. WESTIN MINNEAPOLIS, 88 6TH ST S Minneapolis, MN, (Ward 3) submitted by MERRITT HOSPITALITY LLC, BLLiquor, LIC80661

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0187

The Minneapolis City Council hereby adopts the Business License Settlement Conference Agreement for Rapid Recovery Inc, 4360 Lyndale Ave N, negotiated between the City of Minneapolis and Menzel Enterprises MN Inc, allowing the licensee to retain the Class A Towing license, subject to adherence with the conditions contained therein:

1. The City of Minneapolis shall impose a sanction in the amount of \$200 for failing to obtain written authorization from the property representative to tow a vehicle on December 8, 2020. \$200 of the sanction will be stayed for a period of two years provided the licensee does not commit same or similar violations in that timeframe.

2. The City of Minneapolis shall impose a second sanction in the amount of \$400 for failing to obtain written authorization from the property representative to tow a vehicle on January 8, 2021. \$400 of the sanction will be stayed for a period of two years provided that the licensee does not commit same or similar violations in that timeframe.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0188

The Minneapolis City Council hereby accepts the low bid of Emmanuel Sackey dba Building Code Tech, submitted on Event 1409 in the amount of \$82,500.00 to provide all materials, labor, equipment and incidentals necessary for the debris removal at 1625 West Broadway, and authorizing a contract for the project, all in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

(Published 3/16/2021)

COUNCIL ACTION 2021A-0189

The Minneapolis City Council hereby accepts the low bid of Right Away Construction Corporation, submitted on Event 1310, in the anticipated amount of \$175,000 per year, with the option to extend the contract for up to four (4) additional years after the initial term at the sole discretion of the City of Minneapolis, to provide all materials, labor, equipment and incidentals necessary for Emergency and Non-Emergency Board Up Services, and authorizing a contract for the service, all in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0190

The Minneapolis City Council hereby authorizes an amendment to the funding agreement with the Minneapolis Public Housing Authority for the Stable Homes Stable Schools program to:

1. Extend the term of the Agreement until December 31, 2025, subject to annual appropriations,
2. Increase the percentage of funds that can be used for administration costs for the program and add \$2,200,000 from 2021 budget as well as terminate the Covid Response Housing Stability Fund Expansion, and

3. Re-program \$17,126.87 of remaining balance from the expansion program back to the base program.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0191

The Minneapolis City Council hereby authorizes an increase to contract S-9048 from the State of Minnesota, in the amount of \$5,545 for a total amount not to exceed \$8,168, and an extension through August 31, 2022, for the purpose of subleasing office space to provide employment and training services.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

Goodman moved to delete from the agenda the Mayoral appointment of Paulo Pereira, Seat 10, Ward 7, to the Arts Commission for a three-year term, beginning, January 1, 2021, and ending December 31, 2023.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0192

The Minneapolis City Council hereby authorizes changes to a previously approved redevelopment contract with Sherman Associates Development LLC, or affiliated entity, related to redevelopment of the surface parking lot at 500 3rd St S, 240 Portland Ave, and to Minneapolis Fire Department Station #1 at 530 3rd St S.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0193

The Minneapolis City Council hereby:

1. Accepts grants from the Minnesota Department of Employment and Economic Development (DEED), in the total amount of \$283,186, for the following projects: Currie Commons, 187 Humboldt Ave N (\$199,135) and Lake Street Housing (Phase 2), 510 W Lake St, 2946 Harriet Ave and 2948 Harriet Ave (\$84,051).

2. Accepts grants from the Metropolitan Council's Tax Base Revitalization Account (TBRA), in the total amount of \$1,500,000, for the following projects: 1517 W Broadway Incubator, 1517 W Broadway Ave, 1521 W Broadway Ave, 1525 W Broadway Ave and 1531 W Broadway Ave (\$35,800); 2025 W River Rd Project, 2025 W River Rd (\$517,100); Baldwin Square, 4140 Fremont Ave N, 4142 Fremont Ave N, 4144 Fremont Ave N and 4146 Fremont Ave N (\$107,800); Currie Commons, 187 Humboldt Ave N (\$480,300); Elliot Twins Apartments, 1212 S 9th St and 1225 S 8th St (\$233,600); Northrup King Campus, 1500 Jackson St NE (\$50,000); The Link on 21st, 1301 21st Ave N, 1303 21st Ave N, 1307 21st Ave N, 1317 21st Ave N and 1403 21st Ave N (\$32,800); and The Resolute, 1300 W Broadway Ave, 2011 Girard Ave N, and 2015 Girard Ave (\$37,200).
3. Accepts grants from Hennepin County's Environmental response Fund (ERF), in the total amount of \$1,392,872, for the following projects: 550 W Lake St (Phase 3), 514 W Lake St, 516 W Lake St, 520 W Lake St and 2949 Garfield Ave S (\$85,706); 2025 W River Rd Project, 2025 W River Rd (\$92,329); CLCLT Homes - Fall 2020, 3218 Humboldt Ave N, 3553 Elliot Ave, 2955 Lyndale Ave N, 3137 39th Ave S, 4846 Colfax Ave N, 3744 26th Ave S, 3414 Irving Ave N, 3741 Bloomington Ave, 5600 46th Ave S, 3539 Knox Ave N, and 4409 32nd Ave S (\$150,000); Cristo Rey Jesuit High School, 2924 4th Ave S (\$162,775); Currie Commons, 187 Humboldt Ave N (\$190,000); Juxtaposition Arts Campus Redevelopment, 2015 Emerson Ave N, 1110 West Broadway, 1108 West Broadway and 1100 West Broadway (\$37,513); MN Brownfields Gap Financing Program (\$200,000); Snelling Yards - Senior Housing, 3601 44th St E (\$100,421); and Walker Methodist Raines, 3737 Bryant Ave S (\$374,128).
4. Authorizes contracts or agreements with DEED, the Metropolitan Council and Hennepin County for the aforesaid grants.
5. Authorizes execution of one or more funding agreements with each of the sub-recipients identified below (or an affiliated entity) and/or disbursement and related agreements for these grants.
6. Passage of Resolution 2021R-060 approving appropriation of funds to the Department of Community Planning & Economic Development.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-060

By Goodman

Amending the 2021 General Appropriation Resolution.

Resolved by The City Council of the City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

1. Increasing the appropriation for Community Planning & Economic Development Department Fund 01600- Other Grants-State and Local (01600-8900320) by \$143,600.
2. Increasing the appropriation for Community Planning & Economic Development Department Fund 01600- Other Grants-State and Local (01600-8900220) by \$2,482,170.
3. Increasing the revenue estimate for Community Planning & Economic Development (CPED) agency Fund 01600-Other Grants-State and Local (01600-8900900-321508) by \$283,186.
4. Increasing the revenue estimate for Community Planning & Economic Development Department Fund 01600-Other Grants-State and Local (01600-8900900-322503) by \$1,500,000.
5. Increasing the revenue estimate for Community Planning & Economic Development Department Fund 01600-Other Grants-State and Local (01600-8900900-322002) by \$842,584.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0194

The Minneapolis City Council hereby:

1. Accepts a 2020 Metropolitan Council LCDA Pre-development grant in the amount of \$97,500 for the Downtown Longfellow site at 2701 Lake St E and 3009-3017 27th Ave S.
2. Accepts a 2020 Metropolitan Council LCDA-TOD Pre-development grant in the amount of \$100,000 for the Nic@Lake site at 10 - 30 Lake St W.
3. Accepting 2020 Metropolitan Council LCDA Development grants in the amount of \$1,105,000 for the Juxtaposition Art Campus project at Emerson Ave N and West Broadway and \$1,500,000 for the The Gardens of Bryn Mawr project at 2800 Wayzata Blvd.
4. Accepts 2020 Metropolitan Council LCDA-TOD Development grants in the amount of \$1,250,000 for the Agra project at 901 27th Ave S and \$750,000 for the Minneapolis American Indian Center Expansion at 1530 Franklin Ave E.
5. Accepts 2020 Metropolitan Council LHIA grants in the amount of \$1,051,860 for the Fire Station One Project at 530 South 3rd St and \$60,000 for the PPL Greenbelt project near 31st Ave N and 6th Street N.
6. Authorizes agreements to implement the LCDA Pre-development, LCDA-TOD Pre-development, LCDA, LCDA-TOD, and LHIA grants with the Metropolitan Council, Seward Redesign, Juxtaposition Arts, Lupe Development Partners, LLC, Newport Midwest, LLC, Minneapolis American Indian Center, Project for Pride in Living, Sherman Associates or related entities.
7. Passage of Resolution 2021R-061 approving appropriation of funds to the Community Planning & Economic Development Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-061

By Goodman

Amending the 2021 general appropriation resolution.

Resolved by The City Council of The City of Minneapolis.

That the above-entitled resolution be amended by increasing the Community Planning and Economic Development agency Fund Other Grants State & Local (01600-8900220) appropriation by \$3,801,860; increasing the Community Planning and Economic Development agency Fund Other Grants State & Local (01600-8900230) appropriation by \$60,000; increasing Community Planning and Economic Development Agency Fund Other Grants State & Local (01600-8900320) by \$2,052,500 and increasing the revenue budget for the Community Planning and Economic Development agency Fund Other Grants State & Local (01600-8900900-322503) by \$5,914,360.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0195

The Minneapolis City Council hereby approves an extension of the expenditure deadline for the Affordable Housing Trust Fund award in the amounts totaling \$2,400,000 for the Lydia Apartments project located at 1920 LaSalle Avenue by Beacon Interfaith Housing Collaborative, or an affiliated entity to December 31, 2023.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0196

The Minneapolis City Council hereby:

1. Authorizes an increase to contract C-44077 with Minnesota Homeownership Center in the amount of \$100,000 for a total amount not to exceed \$325,000, and an extension through December 31, 2021, for continued programmatic functions, administration and oversight for Financial Wellness counseling services.
2. Authorizes an increase to contract C-44078 with Minnesota Homeownership Center in the amount of \$175,000 for a total amount not to exceed \$960,000, and an extension through December 31, 2021, for continued programmatic functions and administration for homebuyer education and detailed homeownership counseling services.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0197

The Minneapolis City Council hereby:

1. Approves \$400,000 of development gap financing (\$80,000 per unit) and execution of related agreements related to the Greenbelt Development project.
2. Extends the terms of existing acquisition loans totalling \$79,241.33 in support of the Greenbelt development project through December 31, 2022.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-062 ratifying Resolution No. 2018R-265 authorizing sale of land Disposition Parcel MH-90, under the Minneapolis Homes Program, at 409 31st Ave N for a revised development concept.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-062

By Gordon

Ratifying Resolution No. 2018R-265 authorizing sale of land Disposition Parcel MH-90, under the Minneapolis Homes Program, at 409 31st Ave N for a revised development concept.

Whereas, the City of Minneapolis, hereinafter known as the City, has received a modified offer to purchase and develop Disposition Parcel MH-90, in the Hawthorne neighborhood, from PPL Homes LLC,

or an affiliated entity, hereinafter known as the Redeveloper, the Parcel MH-90, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-90; 409 31st Ave N: Lot 1, Frank W. Lauderdale's Subdivision in Block 10 of Morrison's Addition to North Minneapolis, ALSO: The East 41 feet of the West 82 feet of Lot 2, Block 10, Morrison's Addition to North Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$3,300 for Parcel MH-90 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 27, 2018, a public hearing on the proposed sale was duly held on August 8, 2018, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$3,300 for Parcel MH-90.

Be It Further Resolved that the acceptance of the revised offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the revised proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90/180 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-063 ratifying Resolution No. 2018R-266 authorizing sale of land Disposition Parcel MH-91, under the Minneapolis Homes Program, at 427 31st Ave N for a revised development concept.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-063

By Gordon

Ratifying Resolution No. 2018R-266 authorizing sale of land Disposition Parcel MH-91, under the Minneapolis Homes Program, at 427 31st Ave N for a revised development concept.

Whereas, the City of Minneapolis, hereinafter known as the City, has received a modified offer to purchase and develop Disposition Parcel MH-91, in the Hawthorne neighborhood, from PPL Homes LLC, or an affiliated entity, hereinafter known as the Redeveloper, the Parcel MH-91, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-91; 427 31st Ave N: Lot Five (5), except the East 5 feet thereof and all of Lot Six (6), Frank W. Lauderdale's Subdivision in Block Ten (10) of Morrison's Addition; and

Whereas, the Redeveloper has offered to pay the sum of \$3,700 for Parcel MH-91 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 27, 2018, a public hearing on the proposed sale was duly held on August 8, 2018, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$3,700 for Parcel MH-91.

Be It Further Resolved that the acceptance of the revised offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the revised proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-064 ratifying Resolution No. 2019R-267 authorizing sale of land Disposition Parcel MH-92, under the Minneapolis Homes Program, at 429 31st Ave N for a revised development concept.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-064

By Gordon

Ratifying Resolution No. 2019R-267 authorizing sale of land Disposition Parcel MH-92, under the Minneapolis Homes Program, at 429 31st Ave N for a revised development concept.

Whereas, the City of Minneapolis, hereinafter known as the City, has received a revised offer to purchase and develop Disposition Parcel MH-92, in the Hawthorne neighborhood, from PPL Homes LLC or an affiliated entity, hereinafter known as the Redeveloper, the Parcel MH-92, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-92; 429 31st Ave N: Lot 7, Frank W. Lauderdale's Subdivision in Block 10 of Morrison's Addition; and

Whereas, the Redeveloper has offered to pay the sum of \$2,000 for Parcel MH-92 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 27, 2018, a public hearing on the proposed sale was duly held on August 8, 2018, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$2,000 for Parcel MH-92.

Be It Further Resolved that the acceptance of the revised offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the revised proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90/180 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-065 ratifying Resolution No. 2018R-264 authorizing sale of land Disposition Parcel MH-93, under the Minneapolis Homes Program, at 3020 6th St N for a revised development concept.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-065

By Gordon

Ratifying Resolution No. 2018R-264 authorizing sale of land Disposition Parcel MH-93, under the Minneapolis Homes Program, at 3020 6th St N for a revised development concept.

Whereas, the City of Minneapolis, hereinafter known as the City, has received a modified offer to purchase and develop Disposition Parcel MH-93, in the Hawthorne neighborhood, from PPL Homes LLC, or an affiliated entity, hereinafter known as the Redeveloper, the Parcel MH-93, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of MH-93; 3020 6th St N: The North 39.25 feet of the South 41.25 feet of Lot 12, Block 10, Morrison's Addition to North Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$4,900 for Parcel MH-93 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 27, 2018, a public hearing on the proposed sale was duly held on August 8, 2018, at the regularly scheduled Housing Policy and Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 S 5th St, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Redevelopment Plan and/or Program is hereby determined to be the sum of \$4,900 for Parcel MH-93.

Be It Further Resolved that the acceptance of the revised offer and proposal is hereby determined to be in the best interests of the City and its people and that the transaction furthers the City's general plan of economic development in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the revised proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90/180 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0198

The Minneapolis City Council hereby:

1. Approves an application submitted by Daniel Oberpriller, on behalf of North Bay Companies, to rezone (PLAN12104) the properties located at 410 13th Ave SE, 1309 4th St SE, and 1315 4th St SE from the C1 Neighborhood Commercial District to the C3A Community Activity Center District to construct a new seven-story mixed use building with 81 dwelling units and approximately 3,000 square feet of commercial space.
2. Passage of Ordinance 2021-011 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2021-011

By Goodman

Intro & 1st Reading: 1/8/2018

Ref to: BIHZ

2nd Reading: 3/12/2021

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land, pursuant to MS 462.357:

410 13th Avenue SE

The Southwesterly 30 feet of the Northeasterly 40 feet of Lot 6, Block P, Tuttle’s Addition to St. Anthony, Hennepin County Minnesota

1309 4th Street SE

Lot 7, Block P, Tuttle’s Addition to St. Anthony, Hennepin County Minnesota

1315 4th Street SE

Lot 8, Block P, Tuttle’s Addition to St. Anthony, Hennepin County, Minnesota
(410 13th Avenue SE; 1309 4th Street SE; 1315 4th Street SE – Plate #15) to C3A Community Activity Center District

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Business, Inspections, Housing & Zoning Committee, Goodman offered Resolution 2021R-066 recognizing the 38th Street THRIVE Strategic Development Plan.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-066

By Jenkins

Recognizing the 38th Street THRIVE Strategic Development Plan.

Whereas, the City Council adopted the Cultural Districts ordinance on August 14, 2020, which formally identified the 38th Street Cultural District; and

Whereas, the City is continuing its important work to develop the Cultural District framework, by recommending policies, practices, and budget resources to implement the Cultural Districts Comprehensive Plan policy; ensuring that Cultural Districts are supported by the City’s approved Comprehensive Plan, subsequent small area plans, land use, built form, and zoning policies; and, in collaboration with the Communications Department and other key partners, developing a recommended framework for a narrative, branding, and promotion strategy to increase the visibility and viability of Cultural Districts.

Whereas, the 38th Street Cultural District exists to continue the legacy and heritage of a deeply rooted African-American community by preserving its economic vibrancy, creative identity, and affordability that strengthens the vitality, resilience, and partnership of the people who live and work in the district; and

Whereas, the residents, business owners, and community partners of the 38th Street community (“Community”) have prepared the 38th Street THRIVE Strategic Development Plan (the “Plan”) in collaboration with Council Vice President Andrea Jenkins and with guidance on City processes from the Department of Community Planning and Economic Development; and

Whereas, the Plan serves as the Community’s primary vision document for the 38th Street Cultural District states the Community’s investment objectives over a ten-year period, and describes proposed development activity within the Community; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis formally recognizes the efforts of the Community, will receive the Plan, and will consider its recommendations when formulating the City’s objectives, investments, plans, and policies for the 38th Street Cultural District.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The POLICY & GOVERNMENT OVERSIGHT Committee submitted the following report:

COUNCIL ACTION 2021A-0199

The Minneapolis City Council hereby approves the following relating to the Local Board of Appeal and Equalization:

1. Approves the appointment of the following individuals to constitute the 2021 Local Board of Appeal and Equalization: Faye Bland, Seat 1, Ward 10; Stephen Bodurtha, Seat 2; John Chau, Seat 3; and Neal Anderson, Seat 4, Ward 11.
2. Waives the residency requirement (Minneapolis Code of Ordinance 14.80) for Stephen Bodurtha and John Chau.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0200

The Minneapolis City Council hereby approves the settlement of the lawsuit of Ellingworth, et al. v. City of Minneapolis (Court File No. 20-cv-2232) by payment of \$25,000 to Sarah Ellingsworth and Charleton Hawks and their attorneys, and authorizing the City Attorney’s Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0201

The Minneapolis City Council hereby approves the settlement in the claim by Kevin Cha v. City of Minneapolis (EEOC Charge No. 444-2020-01770) by payment of \$3,000 to Mr. Cha and his attorneys, and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0202

The Minneapolis City Council hereby approves the settlement of the property claim from Pioneer Industries Incorporated by payment of \$32,750 to Pioneer Industries Inc and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0203

The Minneapolis City Council hereby authorizes an increase to contract No. C-44046 with the Federal Reserve Bank of Minneapolis, in the amount of \$36,000 for a total amount not to exceed \$86,000, and an extension through Dec. 31, 2028, for extending the period of analysis of the economic impact study of the city's minimum wage ordinance.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0204

The Minneapolis City Council hereby authorizes an increase to contract No. C-43408 with Ellie Mae, in the amount of \$9,000 for total amount not to exceed of \$18,910, for loan administration software which will be utilized for the Home Improvement program lending services.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0205

The Minneapolis City Council hereby authorizes issuance of a Request for Proposals (RFP) for benefits consulting and actuarial services to support the City's employee benefit program and requesting approval for deviation from City contract Standard Terms and Conditions.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0206

The Minneapolis City Council hereby:

1. Authorizes a contract with Hennepin County, using Hennepin County's agreement form, for use of its Cyclomedia system and content for collecting property images at no cost to the City, for a term of two years with an option to renew for three additional years.
2. Authorizes material deviations from the City's standard terms and conditions, as follows: Hennepin County is not providing the City with any warranties; and Hennepin County shall not be liable for damages caused by the software nor will Hennepin County defend and indemnify the City against claims arising from County conduct related to the system.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0207

The Minneapolis City Council hereby authorizes an increase to contract No. COM0002877 with ESI Acquisitions, Inc., in the amount of \$16,450.13 for a total amount not to exceed \$429,496.48, for emergency operations center incident management software.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0208

The Minneapolis City Council hereby:

1. Authorizes the one time transfer of \$122,000 from the 2021 City Coordinator's Sustainability Budget to the Health Department for the Green Cost Share Multifamily Building Efficiency program and the Lead and Healthy Homes program.
2. Authorizes the one time transfer of \$200,000 from the 2021 City Coordinator's Sustainability Budget to the Health Department for the Green Cost Share 4d Affordable Housing Incentive Program and NOAH buildings.

3. Authorizes the one time transfer of \$175,000 from the 2021 City Coordinator's Sustainability Budget to the Health Department for workforce development and STEM Pathways.
4. Passage of Resolution 2021R-067 approving transfer of City Coordinator's Sustainability funds to the Health Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-067

By Fletcher

Amending the 2021 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the appropriation in the City Coordinator's Office in the General Fund (00100-8400200) by \$497,000 and increasing the appropriation for the Health Department in the General Fund (00100-8600155) by \$497,000. This appropriation transfer is one-time only.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Policy & Government Oversight Committee, Jenkins offered Resolution 2021R-068 supporting expedient, fair, and humane immigration policy changes that respect and protect the human rights of the immigrant and refugee community.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-068

By Cano, Osman, and Ellison

Supporting expedient, fair, and humane immigration policy changes that respect and protect the human rights of the immigrant and refugee community.

Whereas, Minneapolis is home to more than 65,000 immigrant and refugee community members, composing over 15% of our city's total population; and

Whereas, the City of Minneapolis recognizes the harms immigrant and refugee residents have endured due to the white supremacy and structural violence embodied by our country's current war policies, colonization-based borders, and broken immigration system; and

Whereas, we acknowledge our immigrant and refugee community as new Americans whose global experience and historical presence is central to our shared definition of home, truth-telling, repairing harms, and freedom from oppression; and

Whereas, the City of Minneapolis affirms that immigration and migration are natural human endeavors practiced by people across the world for centuries and in recent time has been the outcome of climate change, as such, we believe that American immigration policies must reflect the values of dignity and safety for all; and

Whereas, the City of Minneapolis has shown a deep commitment to securing the well-being of our immigrant, refugee, and New American communities in recognition of their human rights and with the intent of reaching our City's racial justice and racial equity goals; and

Whereas, the City of Minneapolis highlights common racial justice struggles with the African American community in that the criminal justice system results in the over-representation of Afro-descent immigrants incarcerated in the American immigration detention and enforcement system; and

Whereas, the City of Minneapolis commends the Biden administration for initiating the process of repudiating the anti-immigrant policies of the former administration including the attempted immediate moratorium on deportations from the United States and inhumane laws that have resulted in generational trauma, emotional abuse, child abuse, sexual violence, physical injury, exposure to COVID-19 transmission, fear of government, labor exploitation, human trafficking, forced separation of families, unjust deportations, and racially motivated hate crimes killing hundreds of Mexican and Latino-descent people at the southern border; and

Whereas, we recognize that despite these actions, deportations and attempted deportations continue, and that much more work is necessary to ensure new Americans and their families have a fair opportunity to pursue legal protections, including measures to prevent the deportation and criminalization of individuals who have entered the United States as refugees; and

Whereas, the City of Minneapolis recognizes that meaningful and long overdue reform of our immigration system is necessary to restore the ideal of this country as a land of opportunity, including the opportunity to become a United States Citizen, so that immigrant, refugee, and new American communities may feel safe and secure in their homes and jobs and are not targeted because of the color of their skin or the language they speak;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports President Joe Biden's new Executive Orders, Presidential Proclamations, and additional federal actions implemented beginning on January 20, 2021 to welcome our immigrant, refugee, and new American neighbors by upholding human rights through policy and approving legislation that provides a clear and direct path to United States Citizenship.

That the Minneapolis City Council urges President Joe Biden and the U.S. Congress to act expediently and boldly to immediately halt family separations, to stop the captivity of migrant children in mass detention centers, and to end unfair deportations and senseless raids.

That the City of Minneapolis commits to strengthening and expanding the assistance we lend to our new American residents so they can quickly understand and effectively integrate with any modernization of our country's immigration policies.

That the Minneapolis City Council invites our Park Board, County, State, and Federal representatives and every resident in the City of Minneapolis to join us in undoing the harms experienced by our new American families and to work actively, every day, to repair these harms and warmly welcome and deeply support the immigrant and refugee residents who have made Minneapolis home.

That the City Clerk shall transmit a copy of this Resolution to the Minneapolis Congressional Delegation.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0209

The Minneapolis City Council hereby directs the Neighborhood and Community Relations Department and the Office of Immigrant and Refugee Affairs to convene and lead an internal workgroup focused on assessing the City's current services for immigrant and refugee residents and providing recommendations for improvements. This shall include program, policy, and budget recommendations that strengthen and grow the City's services for immigrant and refugee families. The workgroup shall include the support and participation of the City Coordinator's Office, the City Attorney's Office, the Health Department, the Communications Department, and other related divisions. The Mayor and the City Council will also be invited to join the workgroup.

The workgroup will:

1. Create a summary of the City's current body of work relating to serving and engaging immigrant and refugee populations. This review should include internal and external work such as City direct services, programs, grants, laws, budgets as well as commissions, advisory groups, existing or new partnerships like the Minneapolis Regional Chamber of Commerce's Gateways for Growth initiative and the New Americans Business and Service Center;
2. Review this summary and provide a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis of the body of work; and
3. Using the SWOT analysis findings, construct a set of recommendations that better align, strengthen, and grow the City's capacity and partnerships to serve Minneapolis' immigrant and refugee residents to help the City meet its racial equity goals.

The workgroup shall convene by or before March 31, 2021 and meet at a minimum once a month to finalize their recommendations and present them to the City Council on or before September 30, 2021, at the Policy & Government Oversight Committee.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The PUBLIC HEALTH & SAFETY Committee submitted the following report:

On behalf of the Public Health & Safety Committee, Cunningham offered Ordinance 2021-012 amending Title 2, Chapter 40 of the Minneapolis Code of Ordinances relating to Administration: Workplace Regulations, adding a new Article VII entitled "Hospitality Worker Right to Recall," establishing recall rights for certain employees.

The following is the complete text of the unpublished summarized Ordinance.

ORDINANCE 2021-012
By Fletcher
Intro & 1st Reading: 1/29/2021
Ref to: PH&S
2nd Reading: 3/12/2021

Amending Title 2, Chapter 40 of the Minneapolis Code of Ordinances relating to Administration: Workplace Regulations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 40 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article VII, Hospitality Worker Right to Recall, including new Sections 40.900 through 40.1040, to read as follows:

ARTICLE VII. – HOSPITALITY WORKER RIGHT TO RECALL

40.900. – Short Title. This Article VII shall be known and may be cited as the Minneapolis Hospitality Worker Right to Recall Ordinance.

40.910. – Findings; Purpose. The City Council makes the following findings:

(1) As a home rule charter city, Minneapolis has broad authority through its police powers to adopt regulations to further the public health, safety, and general welfare.

(2) As a result of the COVID-19 pandemic, the resulting economic disruption, and the Executive Orders issued by the State of Minnesota and Emergency Regulations issued by the City of Minneapolis to protect the public health and welfare, many workers in the City of Minneapolis are facing significant job losses and economic insecurity.

(3) On March 13, 2020, Minnesota Governor Walz issued Executive Order 20-01 declaring a peacetime emergency in response to COVID-19. In the following months, Governor Walz issued numerous Executive Orders, many of which limit economic activity in Minnesota in the interest of protecting public health.

(4) On March 16, 2020, Minneapolis Mayor Frey declared a Local Public Health Emergency pursuant to Minneapolis Code of Ordinances § 128.50 in response to the COVID-19 pandemic. In the following months, Mayor Frey issued additional Emergency Regulations, many of which limit economic activity within the City in the interest of protecting public health.

(5) The COVID-19 pandemic has had a devastating effect upon the hospitality industry, as travel, tourism, and events have halted and businesses in these industries cannot easily adjust to the temporary lack of business.

(6) Minneapolis, as Minnesota’s tourist and event destination, is home to many hotels and event centers, which have suffered from a lack of business due to the COVID-19 pandemic and resulting economic conditions and government orders. These businesses have been forced to lay off many of their employees. As a result, Minneapolis’s hospitality employees have experienced a great degree of economic dislocation and insecurity.

(7) As the COVID-19 pandemic subsides, and tourism, travel, and events resume, hospitality employers will resume their operations. When this occurs, it is in the interests of the City that hospitality employers welcome their former employees back to work as they are able.

(8) Ensuring that hospitality employers welcome back their former employees will reduce the devastating effects of the pandemic on these employees and their families and reduce the need for government-funded benefits and social services.

(9) Ensuring that hospitality employers welcome back their former employees will also speed the City’s transition back to a fully functioning economy and lessen the long-term damage to the Minneapolis economy.

40.920. - Definitions. The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Minneapolis.

Covered Enterprise means a Hotel or an Event Center located within the City.

Department means the Minneapolis Department of Civil Rights.

Director means the director of the Department of Civil Rights, or the Director’s designee.

Employee means any individual employed by an Employer, including temporary employees and part-time employees, who performed work within the geographic boundaries of the City for at least eighty (80) hours in the twelve (12) months that preceded March 13, 2020, for that Employer at a Covered Enterprise. For purposes of this Article, "Employee" does not include the following:

(1) Employees classified as extended employment program workers as defined in Minnesota Rules part 3300.6000, subpart 13 and participating in the Minnesota Statutes, Section 268A.15 extended employment program.

(2) Independent contractors.

Employer means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an Employer in relation to an Employee and which owns or operates a Covered Enterprise. For purposes of this article, "Employer" does not include any of the following:

(1) The United States government.

(2) The State of Minnesota, including any office, department, agency, authority, institution, association, society, or other body of the state, including the legislature and the judiciary.

(3) Any county or local government, except the City.

Event Center means a publicly or privately owned structure of more than fifty thousand (50,000) rentable square feet or two thousand (2,000) fixed seats that is used primarily for the purposes of public performances, sporting events, conventions, or similar public events, and includes concert halls, stadiums, sports arenas, coliseums, and convention centers. The term “Event Center” also includes any contracted, leased, or sublet premises connected to or operated in conjunction with the Event Center’s purpose, including food preparation facilities, concessions, retail stores, restaurants, bars, and structured parking facilities. The term “Event Center” shall not include any religious institution place of assembly.

Hotel means an establishment containing more than fifty (50) guest rooms, which is used or advertised as a place where lodging accommodations are supplied for pay to guests for transient occupancy. The term “Hotel” also includes any contracted, leased or sublet premises connected to or operated in conjunction with the building’s purpose, or providing services at the building.

Laid-off Employee means an Employee who was employed by an Employer at a Covered Enterprise for six (6) months or more in the twelve (12) months preceding March 13, 2020, and whose most recent separation from active service occurred after March 13, 2020, and was due to a government order, lack of business, a reduction in force or other, economic, non-disciplinary reasons.

Length of Service means the total of all periods of time during which the Laid-off Employee was in the active service of the Employer, including periods of time when the Laid-off Employee was on vacation or leave.

40.930. – Right to Recall. (a) *Priority for Laid-off Employees.* An Employer shall offer its Laid-off Employees in writing, by mailing to their last known physical address, and by email and text message to the extent the Employer possesses such information, all job positions which become available at a Covered Enterprise after this Article’s effective date and for which the Laid-off Employee is qualified.

(b) A Laid-off Employee is qualified for a position if the Laid-off Employee:

(1) Held the same or similar position at the time of the Laid-off Employee’s most recent separation from active service with the Employer; or

(2) Is or can be qualified for the position with the same training that would be provided to a new employee hired into that position.

(c) The Employer shall offer such positions first to Laid-off Employees who qualify under subsection (b)(1) of this section and then to Laid-off Employees who qualify under subsection (b)(2) of this section. Where more than one (1) Employee is entitled to preference for a position, the Employer shall offer the position to the Laid-off Employee with the greatest Length of Service.

(d) An Employer may make simultaneous, conditional offers of employment to Laid-off Employees, with final offers of employment conditioned on application of the priority system set forth in subsections (b) and (c) of this section.

(e) A Laid-off Employee who is offered a position pursuant to this section shall be given at least seven (7) calendar days from the date of offer in which to accept or decline the offer. If the Employer does not possess for the Laid-off Employee information that will allow the offer to be made by email or text message in addition to physical mailing, the Laid-off Employee shall be given at least ten (10) calendar days from the date of offer in which to accept or decline. A Laid-off Employee who does not respond to an offer within the time provided shall be deemed to have declined it. A Laid-off Employee that accepts a position shall have seven (7) calendar days following the expiration of the time for acceptance of the offer to be available for return to work, unless the Employer and the Laid-off Employee mutually agree upon a different time.

(f) An Employer that declines to offer a position to a Laid-off Employee on the grounds of lack of qualification and instead hires someone other than the Laid-off Employee must provide the Laid-off Employee a written notice of the non-selection within thirty (30) calendar days of the date of hire, documenting the reasons for such decision. This written record must be retained for at least three (3) years.

40.940. – Successor Employers. (a) The provisions of this Article also apply if, after the Laid-off Employee's separation from active service, the ownership of a Covered Enterprise changes due to a sale, assignment, transfer, or other disposition of substantially all of its assets, or there is a change in the Covered Enterprise's form of organization, but the enterprise continues to conduct or reopens conducting the same or similar business operations as before March 13, 2020, at the same or substantially the same location.

(b) If subsection (a) applies, the Employer shall transfer the records required by Section 40.960 to the Successor Employer to facilitate compliance with this Article.

40.950. – Retaliation. It shall be unlawful for an Employer or any other person acting on its behalf to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article, including, but not limited to, inquiring, disclosing, reporting, or testifying about any violation of this Article. An Employer shall not take adverse employment action against or discriminate against an Employee because the Employee has exercised rights under this Article.

40.960. – Enforcement. (a) *Authority.* The Director has broad authority to implement, administer, and enforce this Article. The Director shall have broad authority to investigate possible violations of this Article whenever there is cause to believe that any violation of this Article has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.

(b) The Director, together with the Community Planning and Economic Development Department's Business Licensing division, shall develop and implement an outreach program to educate Covered Enterprises and Employees about their rights and responsibilities under this Article.

(c) The Director may, upon any credible information that a violation may have occurred or is about to occur, which may but need not include a Report of violation described in subsection (d), promptly provide education to the Covered Enterprise with the purpose of preventing or promptly remediating any violation or potential violation. If such educational efforts are sufficient to prevent or promptly remediate any potential violation, and the Director is provided with satisfactory information that there has been no monetary harm to Laid-off Employees, the matter may in the Director's discretion be closed without investigation, determination of violation, or relief or administrative fines being ordered.

(d) *Report of violations.* An Employee or other person may report to the Department any suspected violation of this Article. A report of a suspected violation may be filed only if the matter complained of occurred after the effective date of this Article and within three hundred and sixty-five (365) days prior to the filing of the report.

(e) *Enforcement process.* The Department shall enforce this Article pursuant to Chapter 40, Article II, Sections 40.120 through 40.160, which are incorporated herein by reference, except for subsections 40.120(a) and (d).

(f) *Relief and administrative fines.* If an Employer is found to have violated this Article, the Director shall order the Employer to cease and desist from engaging in the violative practice and may order any appropriate relief, including but not limited to:

(1) Reinstatement.

(2) Compensatory damages to the Laid-off Employee in the amount of the lost wages and benefits suffered by the Laid-off Employee, or one thousand dollars (\$1,000.00), whichever is greater. The compensatory damages available shall be reduced by the wages and benefits actually earned by the Laid-off Employee in alternative employment during the same time period.

(3) A penalty of up to one thousand dollars (\$1,000.00) payable to each Laid-off Employee who has suffered damage due to a violation.

(4) Payment to the Department of a civil fine of up to one thousand dollars (\$1,000.00) for each violation of this Article. Each Laid-off Employee who was not offered employment as required by this Article constitutes a separate violation.

(5) Payment to the Department of a civil fine of not less than seven hundred dollars (\$700.00) nor more than three thousand dollars (\$3,000.00) for each violation of Section 40.940. This fine shall be in addition to payment to the Employee of compensatory damages for the retaliatory conduct in the amount of the Employee's lost wages, up to one thousand dollars (\$1,000.00).

(6) Reimbursement of the Department for reasonable costs of investigation expended in enforcing this Article, unless the payment of costs would impose an extreme financial hardship on the Employer, in which case the Director may order the payment of a percentage of costs expended which will not cause extreme financial hardship. In determining the amount of the costs to be reimbursed, the size of the Employer and the gravity of the violation shall be considered.

(7) An Employer that is subject to the licensing power of the City may be referred to the City department issuing the license and may be subject to adverse action as otherwise provided by the licensing provisions of this Code.

40.970. – Records Retention. (a) An Employer shall retain the following records documenting compliance with this Article:

(1) Each Laid-off Employee's full legal name, job position at the time of separation from employment, date of hire, last known physical address, last known email address, and last known telephone number.

(2) Records sufficient to demonstrate offers of employment made to Laid-off Employees pursuant to Section 40.920.

(3) Any notices to Laid-off Employees of non-selection, pursuant to Section 40.920(f).

(b) Such records shall be retained for a period of not less than three (3) years from the date that the offer of employment or notice of non-selection was provided to the Laid-off Employee.

(c) An Employer must allow an Employee to inspect records required by this Article and relating to the Employee at a reasonable time and place.

(d) The Department shall have access to the records required by this Article, with appropriate notice and at a mutually agreeable time, to investigate alleged violations of and monitor compliance with the requirements of this Article.

(e) If an Employer fails to create and retain adequate records or does not allow the Department reasonable access to the records and an issue arises as to an alleged violation of this Article, it shall be presumed that the Employer has violated this Article, absent clear and convincing evidence otherwise.

40.980. – Relationship with Civil Service Rules. This Article shall not apply to an employee who has recall rights under the Minneapolis Civil Service Commission Rules.

40.990. – Preemption. Nothing in this Article shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. No provision of this Article shall apply to any Employer that is operating under the protection of the bankruptcy court or under receivership or under a trustee appointed by a court of competent jurisdiction.

40.1000. – No assumption of liability. In undertaking the adoption and enforcement of this Article, the City is undertaking only to preserve and protect safety, health, and general welfare. The City is not assuming liability, nor is it imposing on its officers and employees an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This Article does not create a legally enforceable right against the City.

40.1010. – Severability. If any of parts or provisions of this Article or the application thereof to any circumstance is held invalid by a court of competent jurisdiction, the remainder of this Article, including the application of such part or provision to circumstances other than those to which it has been held invalid, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Article are severable.

40.1020. – Rulemaking. The Director may make appropriate rules to implement, administer, and enforce this Article. Such rules shall be consistent with this Article and may be relied upon by employers and employees in determining their rights and responsibilities under this Article.

40.1030. – Effective Date; Sunset Date. This Article shall be effective on May 1, 2021. It shall continue in effect until one (1) year after the termination of both the peacetime emergency declared by the Governor of the State of Minnesota due to the COVID-19 pandemic and the Local Public Health Emergency declared by the Mayor of the City of Minneapolis due to the COVID-19 pandemic, at which time it shall automatically terminate unless the City Council takes action to extend it. When both such emergency

declarations have been terminated, the Department shall calculate and make publicly available the sunset date of this Article.

40.1040. – Reporting. Not later than sixty (60) days before the sunset date of this Article, the Director shall provide a written report to the appropriate committee of the City Council regarding this Article. The report shall include, but need not be limited to, a discussion of the implementation and enforcement of this Article, including the number and nature of violations, the number of employees reinstated, the penalties assessed, any information available to the Director regarding the effectiveness of this Article in promoting the goals and purposes set forth herein, and a recommendation regarding whether there is a continuing need for the provisions of this Article based upon the City’s economic recovery from the COVID-19 pandemic.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0210

The Minneapolis City Council hereby approves the following Council appointment for the Workplace Advisory Committee for a two-year term beginning Jan. 1, 2021, and ending Dec. 31, 2022: Anna Schmitz, Seat 4, Ward 9.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0211

The Minneapolis City Council hereby:

1. Accepts a grant from the Minnesota Department of Health (MDH), in the amount of \$368,621, to work in partnership with MDH to address the areas of public health responsibility and essential public health services for the period February 1, 2021, through June 30, 2021, to be used for COVID-19 vaccination implementation.
2. Authorizes an agreement with the Minnesota Department of Health for the grant funds.
3. Passage of Resolution 2021R-069 approving appropriation of funds to the Health Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-069

By Fletcher

Amending The 2021 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department (01600-8600130) revenue code 321507) by \$368,612 and increasing the revenue estimate (01600-8600130) by \$368,612.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0212

The Minneapolis City Council hereby:

1. Accepts a grant from the Mississippi Watershed Management Organization (MWMO), in the amount of \$19,200, to hire interns to assist in erosion and sediment control enforcement for the period of January 1, 2021, through December 15, 2021.
2. Authorizes an agreement with the Mississippi Watershed Management Organization for the grant.
3. Passage of Resolution 2021R-070 approving appropriation of funds to the Health Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-070

By Fletcher

Amending The 2021 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department (01600-8600155 revenue code 322505) by \$19,200 and increasing the revenue estimate (01600-8600155) by \$19,200.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0213

The Minneapolis City Council hereby:

1. Authorizes an increase to contract COM0002827 with Corcoran Neighborhood Organization, in the amount of \$115,000, for a new not-to-exceed total amount of \$290,000 and extend the contract to June 30, 2021, for continued violence interruption services under the Minneapolis Strategic Outreach Initiative.
2. Authorizes an increase to contract COM0002829 with Central Area Neighborhood Development Organization (CANDO), in the amount of \$115,000, for a new not-to-exceed total amount of \$290,000 and extend the contract to June 30, 2021, for continued violence interruption services under the Minneapolis Strategic Outreach Initiative.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0214

The Minneapolis City Council hereby:

1. Accepts an additional grant from the Minnesota Department of Human Services (DHS), Washburn Center for Children, in the amount of \$222,000, for School Based Clinic mental health services for the period January 1, 2021, to June 30, 2023.
2. Authorizes an amended agreement with the Washburn Center for Children for the additional funds.
3. Passage of Resolution 2021R-071 approving appropriation of funds to the Health Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-071

By Fletcher

Amending The 2021 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department (01600-8600152 revenue code 321507) by \$220,000 and increasing the revenue estimate (01600-8600152) by \$222,000.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0215

The Minneapolis City Council hereby:

1. Accepts a grant from the Youthprise Foundation, in the amount of \$240,000 for the period of January 1, 2021, through December 31, 2021, to implement the Health Mentor Model at Henry, Roosevelt and South High Schools as part of our School Based Clinics work.
2. Authorizes an agreement with YouthPrise Foundation for the grant funds.
3. Passage of Resolution 2021R-072 approving appropriation of funds to the Health Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2021R-072
By Fletcher**

Amending The 2021 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department (01600-8600152 revenue code 321507) by \$240,000 and increasing the revenue estimate (01600-8600152) by \$240,000.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

Cunningham moved to refer to the Charter Commission an ordinance, to be submitted to the voters at the November 2, 2021, municipal election, proposing amendments to Article VII and Article VIII of the Minneapolis City Charter relating to Administration and Officers and Other Employees, pertaining to the creation of a new Charter Department to provide public safety services, including law enforcement, and the removal of the Police Department as a standalone Charter Department.

The following is the complete text of the proposed Charter amendment:

Amending Article VII and Article VIII of the City Charter relating to Administration and Officers and Other Employees, to be submitted to the voters at the November 2, 2021, municipal election, pertaining to the creation of a new Charter Department, which will provide public safety functions, including a division of law enforcement services, and the removal of the Police Department as a Charter Department.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Article VII, Section 7.2(a) of the Minneapolis City Charter to be amended to read as follows:

7.2 Departments.

(a) **The departments generally.** The City Council must establish, organize, and otherwise provide for these departments:

- (1) a City Coordinator;
- (2) a City Clerk (section 4.2(e));
- (3) a City Assessor;
- (4) a City Finance Officer and budget office, including a director;
- (5) a City Attorney and legal department;
- (6) a civil rights department, including a director, and a civil rights commission (section 7.2(d));
- (7) a department of community planning and economic development;
- (8) a fire department (section 7.4);
- (9) a health department, headed by a health commissioner;
- (10) a planning commission (section 7.2(e));
- (11) ~~a police department~~ a department of public safety (section 7.3);
- (12) a public works department;
- (13) a purchasing department;
- (14) a regulatory-services department; and
- (15) any other department necessary or convenient for the efficient delivery of municipal services.

Section 2. That Article VII, Section 7.3 of the Minneapolis City Charter be amended to read as follows:

§ 7.3. ~~Police.~~ Public Safety.

~~(a) Police department. The Mayor has complete power over the establishment, maintenance, and command of the police department. The Mayor may make all rules and regulations and may promulgate and enforce general and special orders necessary to operating the police department. Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).~~

~~(1) **Police chief.**~~

~~(A) **Appointment.** The Mayor nominates and the City Council appoints a police chief under section 8.4(b).~~

~~(B) **Term.** The chief's term is three years.~~

~~(C) **Civil service.** The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.~~

~~(D) **Public health.** The chief must execute the City Council's orders relating to the preservation of health.~~

~~(2) **Police officers.** Each peace officer appointed in the police department must be licensed as required by law. Each such licensed officer may exercise any lawful power that a peace officer enjoys at common law or by general or special law, and may execute a warrant anywhere in the county.~~

~~(b) **Temporary police.** The Mayor may, in case of riot or other emergency, appoint any necessary temporary police officer for up to one week. Each such officer must be a licensed peace officer.~~

~~(c) **Funding.** The City Council must fund a police force of at least 0.0017 employees per resident, and provide for those employees' compensation, for which purpose it may tax the taxable property in the City up to 0.3 percent of its value annually. This tax is in addition to any other tax, and not subject to the maximum set under section 9.3(a)(4).~~

(a) **Department of Public Safety.** The department of public safety provides a comprehensive approach designed to address the connection between public safety and health by integrating various public safety functions of the City.

(b) **Commissioner of the Department of Public Safety.**

(1) **Duties.** The commissioner is the head of the department and leads its operation.

(2) **Appointment.** The commissioner of the department of public safety is appointed under section 8.4(b).

(c) **Law Enforcement Services Division.**

(1) **Peace officers.** The department of public safety must include a law enforcement services division. This division must include licensed peace officers, who will perform law enforcement services, and may include others who support those services.

(2) **Chief of Law Enforcement Services Division.**

(A) **Unclassified service.** The chief serves at the commissioner's pleasure, in the unclassified service, and is not an officer as defined by section 8.1(a).

(B) **Required qualification.** The chief must be licensed as a Minnesota peace officer when appointed and while serving as the chief.

(C) **Discipline and removal of chief.** The chief reports directly to the commissioner. The commissioner may discipline, and may, with or without cause, discharge the chief.

(d) **Additional divisions.** The department of public safety may include divisions other than the law enforcement services division.

Section 3. That Article VII, Section 7.4 of the Minneapolis City Charter be amended to read as follows:

7.4. - Fire.

(a) Fire department.

(1) Fire chief.

(A) Appointment. The Mayor nominates and the City Council appoints a fire chief under section 8.4(b).

(B) **Civil service.** The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and discharge) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(2) **Senior management.**

(A) **Senior managers.** The department's senior managers are those holding the titles (which may be held by one or more employees)—

(i) assistant chief,

(ii) deputy chief,

(iii) fire marshal,

(iv) assistant chief of training, or

(v) engineering officer.

(B) **Appointment.** The fire chief appoints, with the City Council's assent, without examination, a senior manager from the department's firefighters with the rank of captain or higher; and may discharge him or her at will, without regard to the Civil Service Commission's rules. An officer who accepts such an appointment is treated as taking a leave of absence, retains his or her grade and seniority in the classified service, and earns seniority in that grade while serving as a senior manager, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(3) **Officers and staff.**

(A) **Appointment.** The fire chief, with the City Council's assent, appoints (subject to the Civil Service Commission's rules) the department's other officers and other employees.

(B) **Layoffs.** The fire chief may (subject to the Civil Service Commission's rules) discharge an employee in the City's interest. If the City Council directs that the department reduce its force, then the chief must recommend only such layoffs as will not impair the department's operations.

(b) **Fire marshal.** The fire marshal must take care that all laws and ordinances against danger from fire are faithfully observed and enforced, for which purpose the marshal may enter and inspect any building (including a dwelling) at any reasonable time. The marshal must examine and record the cause of any fire.

(c) **~~Fire-police~~ Fire investigations.** ~~The City Council may provide for fire police within either the fire department or the police department. The fire department may command the police officers at any fire. The fire department may request the assistance of the law enforcement services division at any fire to investigate the cause of the fire. The fire department may direct those providing that assistance.~~

(d) **Fire emergencies.** If necessary for the protection of life or property from an unusual fire, a riot, or a like emergency, the fire chief may—

(1) compel the attendance of any employee in the fire department (including an off-duty firefighter), for which purpose the chief may make any necessary or prudent rule; and

(2) appoint additional officers or other firefighters for temporary service during the emergency, without regard to the Civil Service Commission's rules.

(e) **Funding.** The City Council must fund a fire department that can maintain adequate staffing.

(1) **Operating expenses.** The department's operating expenses are paid out of the general fund.

(2) **Capital expenses.** The department's capital expenses are paid out of the permanent-improvement fund, or the proceeds from bonds issued for the purpose, or out of the general fund.

Section 4. That Article VIII, Section 8.2 of the Minneapolis City Charter to be amended to read as follows:

8.2. - Officers generally.

Except as this charter otherwise provides:

(a) **Oath.** Before taking office, each officer must sign and file with the City Clerk an oath in substantially the following form: "I swear [or 'affirm'] that I will faithfully discharge the office of [title], and will support the constitutions of the United States and of Minnesota."

(b) **Bond.** The City Clerk, the finance officer, and any other officer that the City Council requires, must before taking office deliver an executed bond in whatever amount and form and on whatever conditions the Council requires.

(c) **Term.** Except as this charter, an ordinance, or a general or special law otherwise provides, each officer's term is two years.

(d) **Tenure.** Each officer takes office, after having qualified and taking the required oath—

(1) in the case of an elected officer other than a Council member, elected in a regular general election, on the first weekday in January that is not a holiday in the calendar year next following the election;

(2) in the case of Council members, elected in a regular general election, on the first Monday in January in the calendar year next following the election;

(3) in the case of an elected officer elected at a special election, when the results are certified;

(4) in the case of an officer appointed under section 8.4(b), ~~other than the police chief~~, on the first weekday in January that is not a holiday in an even-numbered year; and

~~(5) in the case of the police chief, on the first weekday in January that is not a holiday in the year the appointment starts; and~~

~~(6) (5)~~ in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment.

(e) **Holding over.** Each officer serves until his or her successor has qualified and takes office.

(f) **Duties.** Each officer must perform the duties that this charter or any other applicable general or special law, ordinance, or rule, or the electing or appointing body, prescribes.

(g) **Vacancy.**

(1) **Determination.**

(A) **Elected office.** Each board to which the voters elect an elected officer determines when that office is vacant.

(B) **Other office.** The electing or appointing body determines when any other office is vacant.

(2) **Resignation.** Any officer may resign—

(A) by tendering a written resignation that the electing or appointing authority accepts; or

(B) in any other manner provided by law.

(3) **Removal.** The electing or appointing body (or, in the case of an elected office, the City Council) may remove any officer after notice and hearing. The notice must specify—

- (A) the cause for removal, and
- (B) the hearing's time and place.

The electing or appointing body may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing. This section is subject to section 8.4(b)(6), for whose purposes the appointing body is the City Council.

(4) **Vacancies.** The electing or appointing body may fill any vacancy that this charter does not provide another method of filling. Where the voters are the electing body, the City Council may fill the vacancy. A successor filling a vacancy serves only until an elected successor takes office or for the unexpired term's remainder.

Section 5. That Article VIII, Section 8.4(b) of the Minneapolis City Charter to be amended to read as follows:

8.4. - Other officers.

(b) **Appointment by Mayor or Council.** Where a general law, special law, ordinance, rule, or other authority provides for an officer's appointment by the Mayor, by the City Council, by any board or commission whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 8.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides. The Council may prescribe the Executive Committee's process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review. This section 8.4(b) does not apply to any appointment for which another provision within this charter provides unless the other provision explicitly refers to this section.

(1) **Nomination by Mayor.** The Mayor enjoys the exclusive power of nominating the officer in the first instance.

(2) **Recommendation by Executive Committee.** The Executive Committee must review the Mayor's nomination, which it may forward to the City Council with a recommendation that the candidate be appointed.

(3) **Appointment by City Council.** The City Council may appoint a candidate that the Executive Committee has recommended. The Council may not appoint a candidate that the Executive Committee has not recommended.

(4) **Failure of appointment.** If an office has been vacant for at least 90 days (~~or 30 days in the case of the police chief~~), or if the Mayor has nominated three candidates that the Executive Committee or the Council has rejected, then the Executive Committee may by a majority of its membership name three or more candidates, from whom the Mayor must nominate one. If the Mayor has not, after 20 days, nominated a candidate so named, then the Executive Committee may by a majority of its membership recommend one such candidate to the Council, and the Council may appoint the recommended candidate, without the Mayor's nomination. This process recurs until an officer is appointed.

(5) **Suspension.** The Executive Committee may suspend without pay any officer appointed under this section 8.4(b). Any such suspension expires after five days unless the City Council extends it.

(6) **Removal.** The City Council may not remove an officer appointed under this section 8.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service Commissioner except for cause.

(7) **Holding over.** Any officer subject to appointment under this section 8.4(b) whose term has expired but whose successor has not been appointed may continue in office for up to 180 days. The Executive Committee may thereafter appoint a temporary successor for up to 90 days. The office is otherwise vacant until a successor is appointed and qualifies.

Section 6. This ordinance shall take effect May 1, 2022.

Palmisano moved to approve the following amendments:

7.2 Departments.

(a) **The departments generally.** The City Council must establish, organize, and otherwise provide for these departments:

- (1) a City Coordinator;
- (2) a City Clerk (section 4.2(e));
- (3) a City Assessor;
- (4) a City Finance Officer and budget office, including a director;
- (5) a City Attorney and legal department;
- (6) a civil rights department, including a director, and a civil rights commission (section 7.2(d));
- (7) a department of community planning and economic development;
- (8) a fire department (section 7.4);
- (9) a health department, headed by a health commissioner;
- (10) a planning commission (section 7.2(e));
- (11) a police department ~~a department of public safety~~ (section 7.3);
- (12) a public works department;
- (13) a purchasing department;
- (14) a regulatory-services department; and
- (15) any other department necessary or convenient for the efficient delivery of municipal services.

7.3. Police. ~~Public Safety.~~

(a) Police department. The Mayor has complete power over the establishment, maintenance, and command of the police department. The Mayor may make all rules and regulations and may promulgate and enforce general and special orders necessary to operating the police department. The Mayor must ensure the police department maintains policies that apply to all police department employees. New or revised policies must be given prompt and general publicity and must be promptly filed by the city clerk. Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).

(1) **Police chief.**

(A) **Appointment.** The Mayor nominates and the City Council appoints a police chief under section 8.4(b).

(B) **Term.** The chief's term is three years.

(C) **Civil service.** The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(D) **Public health.** The chief must execute the City Council's orders relating to the preservation of health.

(2) **Police officers.** Each peace officer appointed in the police department must be licensed as required by law. Each such licensed officer may exercise any lawful power that a peace officer enjoys at common law or by general or special law, and may execute a warrant anywhere in the county.

(b) **Temporary police.** The Mayor may, in case of riot or other emergency, appoint any necessary temporary police officer for up to one week. Each such officer must be a licensed peace officer.

~~(c) **Funding.** The City Council must fund a police force of at least 0.0017 employees per resident, and provide for those employees' compensation, for which purpose it may tax the taxable property in the City up to 0.3 percent of its value annually. This tax is in addition to any other tax, and not subject to the maximum set under section 9.3(a)(4).~~

~~(a) **Department of Public Safety.** The department of public safety provides a comprehensive approach designed to address the connection between public safety and health by integrating various public safety functions of the City.~~

~~(b) **Commissioner of the Department of Public Safety.**~~

~~(1) **Duties.** The commissioner is the head of the department and leads its operation.~~

~~(2) **Appointment.** The commissioner of the department of public safety is appointed under section 8.4(b).~~

~~(c) **Law Enforcement Services Division.**~~

~~(1) **Peace officers.** The department of public safety must include a law enforcement services division. This division must include licensed peace officers, who will perform law enforcement services, and may include others who support those services.~~

~~(2) **Chief of Law Enforcement Services Division.**~~

~~(A) **Unclassified service.** The chief serves at the commissioner's pleasure, in the unclassified service, and is not an officer as defined by section 8.1(a).~~

~~(B) **Required qualification.** The chief must be licensed as a Minnesota peace officer when appointed and while serving as the chief.~~

~~(C) **Discipline and removal of chief.** The chief reports directly to the commissioner. The commissioner may discipline, and may, with or without cause, discharge the chief.~~

~~(d) **Additional divisions.** The department of public safety may include divisions other than the law enforcement services division.~~

7.4. - Fire.

(a) **Fire department.**

(1) **Fire chief.**

(A) **Appointment.** The Mayor nominates and the City Council appoints a fire chief under section 8.4(b).

(B) **Civil service.** The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and discharge) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(2) **Senior management.**

(A) **Senior managers.** The department's senior managers are those holding the titles (which may be held by one or more employees)—

(i) assistant chief,

(ii) deputy chief,

(iii) fire marshal,

(iv) assistant chief of training, or

(v) engineering officer.

(B) **Appointment.** The fire chief appoints, with the City Council's assent, without examination, a senior manager from the department's firefighters with the rank of captain or higher; and may discharge him or her at will, without regard to the Civil Service Commission's rules. An officer who accepts such an appointment is treated as taking a leave of absence, retains his or her grade and seniority in the classified service, and earns seniority in that grade while serving as a senior manager, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(3) **Officers and staff.**

(A) **Appointment.** The fire chief, with the City Council's assent, appoints (subject to the Civil Service Commission's rules) the department's other officers and other employees.

(B) **Layoffs.** The fire chief may (subject to the Civil Service Commission's rules) discharge an employee in the City's interest. If the City Council directs that the department reduce its force, then the chief must recommend only such layoffs as will not impair the department's operations.

(b) **Fire marshal.** The fire marshal must take care that all laws and ordinances against danger from fire are faithfully observed and enforced, for which purpose the marshal may enter and inspect any building (including a dwelling) at any reasonable time. The marshal must examine and record the cause of any fire.

~~(c) **Fire police Fire investigations.** The City Council may provide for fire police within either the fire department or the police department. The fire department may command the police officers at any fire. The fire department may request the assistance of the law enforcement services division at any fire to investigate the cause of the fire. The fire department may direct those providing that assistance.~~

~~(d) **Fire emergencies.** If necessary for the protection of life or property from an unusual fire, a riot, or a like emergency, the fire chief may—~~

~~(1) compel the attendance of any employee in the fire department (including an off-duty firefighter), for which purpose the chief may make any necessary or prudent rule; and~~

~~(2) appoint additional officers or other firefighters for temporary service during the emergency, without regard to the Civil Service Commission's rules.~~

~~(e) **Funding.** The City Council must fund a fire department that can maintain adequate staffing.~~

- (1) **Operating expenses.** The department's operating expenses are paid out of the general fund.
- (2) **Capital expenses.** The department's capital expenses are paid out of the permanent-improvement fund, or the proceeds from bonds issued for the purpose, or out of the general fund.

8.2. - Officers generally.

Except as this charter otherwise provides:

(a) **Oath.** Before taking office, each officer must sign and file with the City Clerk an oath in substantially the following form: "I swear [or 'affirm'] that I will faithfully discharge the office of [title], and will support the constitutions of the United States and of Minnesota."

(b) **Bond.** The City Clerk, the finance officer, and any other officer that the City Council requires, must before taking office deliver an executed bond in whatever amount and form and on whatever conditions the Council requires.

(c) **Term.** Except as this charter, an ordinance, or a general or special law otherwise provides, each officer's term is two years.

(d) **Tenure.** Each officer takes office, after having qualified and taking the required oath—

(1) in the case of an elected officer other than a Council member, elected in a regular general election, on the first weekday in January that is not a holiday in the calendar year next following the election;

(2) in the case of Council members, elected in a regular general election, on the first Monday in January in the calendar year next following the election;

(3) in the case of an elected officer elected at a special election, when the results are certified;

(4) in the case of an officer appointed under section 8.4(b), other than the police chief, on the first weekday in January that is not a holiday in an even-numbered year; ~~and~~

(5) in the case of the police chief, on the first weekday in January that is not a holiday in the year the appointment starts; and

(6 ~~5~~) in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment.

(e) **Holding over.** Each officer serves until his or her successor has qualified and takes office.

(f) **Duties.** Each officer must perform the duties that this charter or any other applicable general or special law, ordinance, or rule, or the electing or appointing body, prescribes.

(g) **Vacancy.**

(1) **Determination.**

(A) **Elected office.** Each board to which the voters elect an elected officer determines when that office is vacant.

(B) **Other office.** The electing or appointing body determines when any other office is vacant.

(2) **Resignation.** Any officer may resign—

(A) by tendering a written resignation that the electing or appointing authority accepts; or

(B) in any other manner provided by law.

(3) **Removal.** The electing or appointing body (or, in the case of an elected office, the City Council) may remove any officer after notice and hearing. The notice must specify—

- (A) the cause for removal, and
- (B) the hearing's time and place.

The electing or appointing body may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing. This section is subject to section 8.4(b)(6), for whose purposes the appointing body is the City Council.

(4) **Vacancies.** The electing or appointing body may fill any vacancy that this charter does not provide another method of filling. Where the voters are the electing body, the City Council may fill the vacancy. A successor filling a vacancy serves only until an elected successor takes office or for the unexpired term's remainder.

8.4. - Other officers.

(b) **Appointment by Mayor or Council.** Where a general law, special law, ordinance, rule, or other authority provides for an officer's appointment by the Mayor, by the City Council, by any board or commission whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 8.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides. The Council may prescribe the Executive Committee's process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review. This section 8.4(b) does not apply to any appointment for which another provision within this charter provides unless the other provision explicitly refers to this section.

(1) **Nomination by Mayor.** The Mayor enjoys the exclusive power of nominating the officer in the first instance.

(2) **Recommendation by Executive Committee.** The Executive Committee must review the Mayor's nomination, which it may forward to the City Council with a recommendation that the candidate be appointed.

(3) **Appointment by City Council.** The City Council may appoint a candidate that the Executive Committee has recommended. The Council may not appoint a candidate that the Executive Committee has not recommended.

(4) **Failure of appointment.** If an office has been vacant for at least 90 days (or 30 days in the case of the police chief), or if the Mayor has nominated three candidates that the Executive Committee or the Council has rejected, then the Executive Committee may by a majority of its membership name three or more candidates, from whom the Mayor must nominate one. If the Mayor has not, after 20 days, nominated a candidate so named, then the Executive Committee may by a majority of its membership recommend one such candidate to the Council, and the Council may appoint the recommended candidate, without the Mayor's nomination. This process recurs until an officer is appointed.

(5) **Suspension.** The Executive Committee may suspend without pay any officer appointed under this section 8.4(b). Any such suspension expires after five days unless the City Council extends it.

(6) **Removal.** The City Council may not remove an officer appointed under this section 8.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service Commissioner except for cause.

(7) **Holding over.** Any officer subject to appointment under this section 8.4(b) whose term has expired but whose successor has not been appointed may continue in office for up to 180 days. The Executive Committee may thereafter appoint a temporary successor for up to 90 days. The office is otherwise vacant until a successor is appointed and qualifies.

This ordinance shall take effect May 1, 2022.

On roll call, the result of Palmisano’s motion was:

Ayes: Reich, Osman, Goodman, Cano, Palmisano (5)

Noes: Gordon, Fletcher, Cunningham, Ellison, Jenkins, Bender, Schroeder, Johnson (8)

Absent: (0)

Failed.

On roll call, the result of Cunningham’s motion was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Jenkins, Cano, Bender, Schroeder, Johnson (11)

Noes: Goodman, Palmisano (2)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0216

The Minneapolis City Council hereby requests the Minneapolis Police Department to provide a description of policy and procedure changes intended to eliminate the kinds of injuries caused by the use of “less lethal weapons” described by the interdisciplinary team from the University of Minnesota, and to provide that information to the Public Health & Safety Committee at its regular meeting on April 1, 2021.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

State of Minnesota }
County of Hennepin } ss.
City of Minneapolis }

I, Casey Joe Carl, City Clerk of the City of Minneapolis, in the County of Hennepin, and State of Minnesota, hereby certify Council Action 2021A-0216 was duly presented to Mayor Jacob Frey on March 12, 2021, and was returned without his signature.

Therefore, in accordance with the provisions of Article 4, Section 4.4(c) of the City Charter, the action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-073 amending Resolution 2020R-387 entitled “Designating the improvement of certain existing streets in the 2021 Street Resurfacing Program, Special Improvement of Existing Street No. 2337,” adopted December 18, 2020, to remove a street segment from the South Burroughs Street Resurfacing Project No. 2337D.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-073

By Reich

Amending Resolution 2020R-387 entitled “Designating the improvement of certain existing streets in the 2021 Street Resurfacing Program, Special Improvement of Existing Street No. 2337,” adopted December 18, 2020, to remove a street segment from the South Burroughs Street Resurfacing Project No. 2337D.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

“That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Article IX, Section 9.6(c), by asphalt mill and overlay and other improvements as necessary:

54th St E and 57th St E (2337A)

54th St E from 28th Ave S to 150 feet west of Hiawatha Ave.
57th St E from 58th St E to 28th Ave S.

17th Ave NE and NE River Ridge (2337B)

17th Ave NE from University Ave NE to Monroe Street NE.
7th Ave NE from Cul de Sac (near Sibley St NE) to Cul de Sac (near Marshall St NE).
Ramsey Circle NE from Ramsey St NE to Cul de Sac (near Marshall St NE).
6th Ave NE from Ramsey St NE to Cul de Sac (near Marshall St NE).
Ramsey St NE from 8th Ave NE to 6th Ave NE.

Phillips South, Powderhorn, and 35th St E (2337C)

27th St E from 5th Ave S to Chicago Ave S.
29th St E from 2nd Ave S to Portland Ave S.
Powderhorn Terrace from 12th Ave S to 14th Ave S.
32nd St E from Chicago Ave S to Bloomington Ave S.
33rd St E from Chicago Ave S to Bloomington Ave S.
33 1/2 St E from Elliot Ave S to 10th Ave S.
34th St E from Chicago Ave S to Bloomington Ave S.
34 1/2 St from 10th Ave S to 11th Ave S.
35th St E from Chicago Ave S to Cedar Ave S.
3rd Ave S from 29th St E to Lake St E.
Clinton Ave S from 29th St E to Lake St E.
5th Ave S from 28th St E to Lake St E.
Oakland Ave S from 26th St E to Lake St E.
Columbus Ave S from 26th St E to Lake St E.
Elliot Ave S from Lake St E to 36th St E.
10th Ave S from Cul de Sac to 36th St E.
11th Ave S from Lake St E to 36th St E.
12th Ave S from Lake St E to 36th St E.
13th Ave S from Lake St E to 36th St E.
14th Ave S from Cul de Sac south of Lake St E to 36th St E.
15th Ave S from Lake St E to 36th St E.

South Burroughs (2337D)

52nd St W from Morgan Ave S to Humboldt Ave S.
53rd St W from Russell Ave S to Lyndale Ave S.
Cromwell Drive from Russell Ave S to Penn Ave S.

Cromwell Court from dead end to 54th St W.
Russell Ave S from 53rd St W to 54th St W.
Queen Ave S from 53rd St W to Cromwell Drive.
Oliver Ave S from 53rd St W to 54th St W.
Newton Ave S from 53rd St W to 54th St W.
Morgan Ave S from Minnehaha Creek to 54th St W.
Logan Ave S from Minnehaha Creek to 54th St W.
Knox Ave S from 51st St W to 54th St W.
James Ave S from 51st St W to 55th St W.
Irving Ave S from 51st St W to 54th St W.
Humboldt Ave S from W Minnehaha Pkwy to 54th St W.
Girard Ave S from ~~W Minnehaha Pkwy~~ 53rd St W to 54th St W.
Fremont Ave S from 53rd St W to 54th St W.
Emerson Ave S from 53rd St W to 54th St W.
Dupont Ave S from W Minnehaha Pkwy to 54th St W.
Colfax Ave S from 53rd St W to 54th St W.
Bryant Ave S from W Minnehaha Pkwy to 54th St W.
Aldrich Ave S from 53rd St W to 54th St W.

Webber Park (2337F)

48th Ave N from Humboldt Ave N to Lyndale Ave N.
47th Ave N from Shingle Creek Pkwy to Lyndale Ave N.
46th Ave N from Shingle Creek Pkwy to Lyndale Ave N.
44th Ave N from Bryant Ave N to Lyndale Ave N.
Girard Ave N from 49th Ave N to 47th Ave N.
Fremont Ave N from 49th Ave N to Shingle Creek Pkwy.
Emerson Ave N from 49th Ave N to Shingle Creek Pkwy.
Dupont Ave N from 49th Ave N to Shingle Creek Pkwy.
Colfax Ave N from 49th Ave N to 45th Ave N.
Bryant Ave N from 45th Ave N to 44th Ave N.
Aldrich Ave N from 49th Ave N to 44th Ave N.
Camden Ave N from 49th Ave N to 45th Ave N.
6th St N from 49th Ave N to 47th Ave N.

26th St W and 28th St W (2337H)

26th St W from 150 feet East of Hennepin Ave S to Lyndale Ave S.
28th St W from 150 feet East of Hennepin Ave S to Lyndale Ave S.

Aldrich Ave N and Ontario Ave W (2337J)

Aldrich Ave N from dead end to Dunwoody Blvd.
Ontario Ave W from Aldrich Ave N to Lyndale Ave N.”

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-074 ordering the work to proceed and adopting the special assessments for the South Burroughs Street Resurfacing Project No. 2337D as part of the 2021 Street Resurfacing Program.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-074
By Reich

Ordering the work to proceed and adopting the special assessments for the South Burroughs Street Resurfacing Project No. 2337D as part of the 2021 Street Resurfacing Program.

Whereas, a public hearing was held on March 3, 2021, in accordance with Minneapolis City Charter, Article IX, Section 9.6(c), and Minneapolis Code of Ordinances, Section 24.110, to consider the proposed improvements as designated in Resolution 2020R-387, passed December 18, 2020, as amended by Resolution 2021R-073, passed March 12, 2021, to consider the proposed special assessments as on file in the Public Works Special Assessment Office, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Department of Public Works is hereby ordered to proceed and do the work as designated in said Resolution 2020R-387, passed December 18, 2020, as amended by Resolution 2021R-073, passed March 12, 2021.

Be It Further Resolved that the proposed special assessments in the total amount of \$981,875.01 for the South Burroughs Street Resurfacing Project (Levy No. 01027, 2337D), as on file in the Public Works Special Assessment Office, are hereby adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at an interest rate of 2.4%, with collection of the special assessments to begin on the 2022 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at an interest rate of 2.1%, with collection of the special assessments to begin on the 2022 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-075 requesting the Board of Estimate and Taxation authorize the City's issuance and sale of assessment bonds in the amount of \$981,875.01 for the purpose of paying the assessed cost of street improvements in the South Burroughs Street Resurfacing Project No. 2337D.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-075

By Fletcher

Requesting the Board of Estimate and Taxation authorize the City's issuance and sale of assessment bonds in the amount of \$981,875.01 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to authorize the City to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the South Burroughs Street Resurfacing Project No. 2337D, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Ordinance 2021-013 amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Storm Water Management, repealing and replacing Chapter 54 in whole to meet state and federal clean water act requirements and to improve water resources in the City.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2021-013

By Reich

Intro & 1st Reading: 1/29/2021

Ref to: TPW

2nd Reading: 2/26/2021

Amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Storm Water Management.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 54, Sections 54.10 through 54.180, of the Minneapolis Code of Ordinances be and hereby is repealed in whole and replaced with a new Chapter 54, Sections 54.10 through 54.210, to read as follows:

CHAPTER 54. STORMWATER MANAGEMENT

54.10. – Authority. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103B, 115, 116, and 473, and Minnesota Administrative Rules Chapter 8410.

54.20. – Purpose. The purpose of this ordinance is to minimize negative impacts of stormwater runoff rates, volumes, and quality on Minneapolis lakes, streams, wetlands, and the Mississippi River by guiding

development and redevelopment activity and by assuring the long-term effectiveness of stormwater best management practices. Chapter 54 establishes regulatory thresholds for conservation practices and planning activities to establish policies regarding water resource management and flood control as described in city, regional, state, and federal documents, and statutes.

54.30. – Minneapolis Stormwater and Sanitary Sewer Guide. The Minneapolis Stormwater and Sanitary Sewer Guide, also known as the Guide, summarizes stormwater review and approval processes, outlines project submittal requirements, and provides guidance for the development of a complete submittal package. The Guide also outlines the standards and requirements that must be met for compliance with this Chapter of the City Code of Ordinances and for approval. The Guide is available on the Minneapolis Department of Public Works, Surface Water and Sewers Division webpage.

54.40. – Definitions. For the purposes of Chapter 54, the following terms, phrases, words, and their derivatives shall have the meanings stated below:

Applicant is the individual or entity proposing a development, project, undertaking, or land-disturbing activity, including common plans of development or sale or phased or connected actions.

Best management practices—see Stormwater Best Management Practices.

City engineer is the city engineer of the City of Minneapolis and their duly authorized designees.

Common plan of development or sale is one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times on different schedules within a two-year period but under one proposed plan. One plan is broadly defined to include designs, permit applications, advertisements, or physical demarcations indicating that land-disturbing activities may occur. This are also referred to as connected or phased actions, as defined herein.

Connected actions are actions that are also defined in a common plan of development or sale; or two (2) or more projects, regardless of ownership, determined by the city engineer to be related in any of the following ways:

- (1) One project directly necessitates the other.
- (2) One project is a prerequisite for the other.
- (3) Neither project is justified by itself.

Development is any human-induced change to improved or unimproved real estate (public or private). This includes (but is not limited to) construction, installation, or expansion of a building or other structure; land division; street construction; drilling; and site alteration that involves dredging, grading, excavating, filling, clearing, or paving of parking/storage facilities. Development encompasses new development, redevelopment, and nonlinear projects.

Green infrastructure is a wide array of practices at multiple scales that manage wet weather through volume reduction and maintain or restore natural hydrology by infiltrating and evapotranspiring or harvesting and using stormwater.

Guide—see the Minneapolis Stormwater and Sanitary Sewer Guide, Section 54.30.

Impervious surface is one that does not allow rainfall to soak into the ground, including (but not limited to) rooftops and paved areas such as roads, parking lots, driveways, sidewalks, and plazas.

Land-disturbing activities are any activities that result in a change or alteration in the existing ground cover (both vegetative and nonvegetative) and/or the existing topography. Land-disturbing activities include

(but are not limited to) the following: development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavating, and constructing borrow pits.

Linear project is the construction or reconstruction of public roads, trails, sidewalks, or rail lines.

Mill and overlay is the practice of resurfacing a paved area by first removing the pavement surface and a portion of the existing pavement base material followed by the placement of new pavement base material and surface. Projects that do not disturb the underlying soil below the base material are considered a mill and overlay. An overlay of an existing impervious surface that includes raising the grade of the impervious surface more than six (6) inches is not considered a mill and overlay.

Owner is any person with a legal or equitable interest in the land that includes one (1) or more stormwater best management practices.

Person is any individual, firm, corporation, partnership, franchisee, association, or governmental entity.

Phased actions are two (2) or more projects undertaken by the same proposer that the city engineer determines:

- (1) Will have environmental effects on the same geographic area; and
- (2) Are substantially certain to be undertaken sequentially over a limited period of time.

Pollutant is an elemental or physical material that can be mobilized or dissolved by water or air and creates a negative impact on human health and/or the environment. See the Guide for stormwater and other emerging pollutants.

Project is an undertaking that involves land-disturbing activities, including phased or connected actions or a common plan of development or sale.

Public waters are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 15.

Receiving water body is the initial lake, stream, river, or wetland into which site runoff is conveyed whether directly or through the public storm drain system.

Regional stormwater BMP is a structure or device designed, approved by the city engineer, and constructed to capture and manage stormwater runoff from a large area or multiple properties.

Responsible party is the property owner and agents, employees, and others acting under the property owner's direction.

Sediment is soil or other particulate matter that can be transported by stormwater.

Site is the land on which the project is located, including a common plan of development or sale or phased or connected actions.

Storm sewer system refers to infrastructure including (but not limited to) pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb, and alley improvements associated with storm or surface water improvements; natural and created wetlands; channels; ditches; rivers; streams; wet- and dry-bottom basins; pocket ponds; multiple pond systems; settling basins; infiltration trenches or basins; filter systems; bioretention areas; dry or wet swales; grass channels; rooftop detention; skimming devices; grit chambers; and other flood-control facilities. These systems work to collect, transport, convey, pump, treat, control, store, manage, and dispose of storm or surface water or pollutants originating from or carried by storm or surface water.

Stormwater means water that is generated by rainfall or snowmelt.

Stormwater banking is an approach where water quality or volume reductions in excess of the standards for its use on future projects unable to meet the standards, as calculated in compliance with a stormwater banking program and approved by the city engineer.

Stormwater best management practices (BMPs) are structural and nonstructural practices meant to prevent or reduce the discharge of pollutants from the storm sewer system to public waters. BMPs that use the properties of vegetation or soil to remove stormwater pollutants through physical and biological processes are often referred to as “green infrastructure.” A partial list of nonstructural BMPs includes organic litter management, street or parking lot sweeping, and construction phasing to minimize the length of time soil areas are exposed. A partial list of structural BMPs and devices includes pond systems, detention facilities, infiltration cells (“rain gardens”), infiltration trenches, filtration systems, vegetated channels, grit chambers, and oil/water separators. BMPs are practices, techniques, or measures that are effective in managing one (1) or more of the following:

- (1) Stormwater runoff rate;
- (2) Stormwater runoff volume; or
- (3) Pollutants and sediments conveyed by stormwater runoff.

Stormwater infiltration refers to passage of stormwater into the ground through soil.

Stormwater management plan (Plan) is the set of drawings, calculations, operation and maintenance plans, and other documents that constitute all the information and specifications for the drainage systems, structures, concepts, and techniques that will be used to control stormwater as required by this Chapter and the Guide.

Stormwater runoff is water generated by rainfall or snowmelt that does not soak into the ground but flows over surfaces.

Wetlands are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 19.

54.50. – Applicability. Chapter 54 establishes requirements for land-disturbing activities, new and existing BMPs, and activities implemented to meet the requirements of this Chapter.

- (1) *Land-disturbing activities.* All land-disturbing activities in excess of half (0.5) an acre, including common plans of development or sale, are subject to the requirements of this Chapter.
- (2) *Existing BMPs.* BMPs designed and constructed to comply with this version or previous versions of this Chapter are subject to annual site registration, annual inspection, and adherence to operations and maintenance plan requirements prescribed in the Guide.
- (3) *Special conditions.* The city engineer may impose such conditions and requirements as deemed necessary to prevent degradation of the performance of the City’s storm sewer system or creation of a nuisance or unreasonable hazard to persons or to a public or private property.

54.60. – Exemptions. The following are exempt from the requirements of Chapter 54:

- (1) Land-disturbing activities that have received all necessary approvals from the City before the effective date of this ordinance as specified in Section 54.210.
- (2) Emergency work to protect life, limb, or property.
- (3) Installation of fence, sign, telephone, electric, or other kinds of posts or poles.
- (4) Sidewalk or underground utility-only projects that restore the ground surface to its pre-project condition.

(5) Mill and overlay activities.

(6) Linear projects that involve noncontiguous disturbed areas, such that each noncontiguous disturbed area shall be considered a separate land-disturbance area, regardless of whether the noncontiguous areas are part of the same plan set.

(7) Construction or reconstruction of a single-family home or duplex.

(8) BMPs implemented for reasons other than to comply with the requirements of this Chapter.

54.70. – Stormwater management plan approval requirement. No person shall disturb land in excess of half (0.5) an acre without having first obtained approval of a stormwater management plan (Plan), in conformance with this ordinance, from the city engineer.

54.80. – Plan requirements. (a) *On-site management.* Measures to achieve stormwater management standards shall be incorporated on all sites. Where it has been evaluated and approved by the city engineer using the stormwater banking approach outlined in the Guide, entities may create regional stormwater BMPs that exceed stormwater management standards and bank them for use.

(b) *Full or partial off-site management.* When incorporating stormwater management standards on site becomes impossible due to development density, topographic features, site constraints, or soil or vegetation conditions, the responsible party may apply for approval of full or partial participation in a regional stormwater BMP. The Guide shall provide the method for calculating and documenting stormwater credits or cost of full or partial off-site management in lieu of full on-site management through a stormwater banking program. The City will provide standards for administration of a stormwater banking program for approved governmental entities. Off-site management shall not circumvent the general purposes and intent of this ordinance.

(c) *Plan design standards.*

(1) *Water quality standards according to receiving waterbody.* Water quality discharge standards, as contained in the Guide, shall apply.

(2) *Peak discharge rate control.* Peak discharge rates shall be maintained at or below the existing condition rates for the disturbed land area.

(3) *Volume control.* Volume control shall be addressed as follows:

a. New development, redevelopment, and nonlinear projects on sites without restrictions shall capture and retain on-site 1.1 inches of runoff from the new and fully reconstructed impervious surfaces within the disturbed area.

b. Linear projects on sites without restrictions shall capture and retain the larger of the following:

1. 0.55 inch of runoff from the new and fully reconstructed impervious surfaces within the disturbed land area.

2. 1.1 inches of runoff from the net increase in impervious area.

3. Stormwater infiltration practices may be restricted or prohibited in areas defined in the Guide and the City's current MPCA NPDES/SDS Municipal Separate Storm Sewer Systems (MS4) permit.

(4) *Operations and Maintenance (O&M) Plan.* The Plan shall include an O&M Plan that defines the maintenance regimen, including the type and interval of inspection and maintenance, and party responsible for conducting such inspection and maintenance.

(5) *Accessibility for maintenance.* All BMPs shall be accessible for maintenance and inspection.

(6) *Impacts on other properties.* No Plan shall cause unreasonable damage or unreasonable environmental, health, or safety conditions on adjacent properties.

(7) *Conformity with other requirements.* Plans must conform to all applicable federal, state, city, and water management organization requirements, ordinances, and regulations.

(8) *Conditions of approval.* In granting approval pursuant to Chapter 54, the city engineer may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property.

(9) *Changes to plans.* Any modifications to an approved Plan must be submitted to the city engineer for review and approval. Modifications to any aspect of an approved Plan that are not approved by the city engineer shall be considered noncompliant with this Chapter.

54.90. – Denial. If the city engineer determines that the Plan does not meet the requirements of this Chapter, the Plan will not be approved. A revised Plan must be submitted and approved before any land-disturbing activity begins.

54.100. – Appeal. Any applicant may appeal the city engineer’s decision by following the procedures established in the Minneapolis Zoning Code, Chapter 525 – Administration and Enforcement, Article IV. Appeals.

54.110. – Responsibility during construction/completion. (a) *Inspection of BMPs.* The applicant shall notify the city engineer prior to construction of the stormwater management BMP to allow for inspection of the BMP.

(b) *Construction/completion final report and certification.* The applicant shall submit a final report, as outlined in the Guide, to validate compliance with the approved Plan.

54.120. – Responsibility following construction/completion. (a) *Duration.* An approved Plan shall remain in effect unless cancellation is approved by the city engineer. All site areas used for the purpose of reducing pollutants and nutrients, for managing peak flow rates, and for maximizing infiltration shall be preserved and maintained for those uses, including areas required for maintenance and inspection.

(b) *Annual site registration.* The responsible party of a BMP installed under this Chapter shall register it annually with the city engineer and remit an annual registration fee at the rate established in the Annual License Fee Schedule.

(c) *Inspection of BMPs.* All BMPs are subject to inspection by the city engineer. If the city engineer deems that BMPs are not functioning satisfactorily, a notice of noncompliance may be issued, and procedures followed as described in Section 54.130.

(d) *Operation and maintenance of BMPs.* The entirety of the BMPs required under this ordinance shall be maintained and kept in operating condition by the owner at levels outlined in the approved Plan. Any failure to maintain a BMP and keep it in operating condition adequate to meet the water quality, rate control, and volume control requirements under this ordinance may result in the city engineer issuing remedial action per Section 54.130.

54.130. – Inspections, remedial actions, and compliance procedures. (a) The city engineer will carry out routine inspections for compliance with the provisions of this Chapter and the O&M Plan. In the event of noncompliance, the following remedial actions, penalties, or assessments may be applied:

(1) *Tier 1. Written notice.* If noncompliance with Chapter 54 is identified by the city engineer, the city engineer shall issue a Tier 1 written notice to the responsible party of the BMP specifying each item or instance of noncompliance with this Chapter or the O&M Plan. The BMP(s) shall be subject to reinspection within the time outline in the written notice by the city engineer.

(2) *Tier 2. Second written notice and escalation.* If noncompliance is still identified after the time outline in the Tier 1 written notice, the city engineer shall issue a Tier 2 written notice to the responsible party of the BMP. Within thirty (30) days of issuance of a Tier 2 written notice, the responsible party must submit, to the city engineer for review and acceptance, a plan outlining corrective procedures necessary for compliance with this Chapter or the O&M Plan, including timeframes to complete such procedures.

(3) *Tier 3. Written notice, citations, and civil fines.* Any responsible party that has received a Tier 2 written notice and is noncompliant with this Chapter or the O&M Plan requirements and compliance procedures may receive a Tier 3 written notice and may be subject to administrative enforcement pursuant to Chapter 2 of this Code or any other appropriate and available enforcement provided by law. Administrative citations may be issued for Tier 3 noncompliance or to continuing violators.

(4) *Tier 4. Performing necessary maintenance and assessing cost.* In addition to all other rights and remedies the City may have at law or in equity, the city engineer shall retain the right to reject defective or incomplete work. The city engineer is authorized to remedy any such deficiency and to determine the cost. Any cost incurred by the City to remedy a deficiency may be charged to the owner of the BMP(s) for such defective or incomplete work. If said charges are not paid within ninety (90) days after a bill of charges has been mailed to the owner, the City Council shall assess and levy the amount as a special assessment upon and against the property benefited in the manner provided by law for other assessments.

(b) Any person, firm, corporation, or agency acting as property owner, responsible party, or otherwise who fails to comply with the provisions of this Chapter shall be guilty of a misdemeanor.

54.140. – Prohibited discharges to storm sewer system. No person shall discharge or cause to be discharged into the storm sewer system any non-stormwater discharges, sewage, or wastewater, including (but not limited to) contact cooling water, groundwater, or surface water that is determined to be contaminated. Discharges permitted pursuant to an approved industrial NPDES permit or as a result of firefighting activities are permissible discharges.

54.150. – Liability. The responsible party is responsible for safe and legal compliance with this Chapter. Neither approval under the provisions of Chapter 54 nor compliance with the provisions hereto or with any condition imposed by the issuing authority shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City for damages to persons or property.

54.160. – Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

54.170. – Severability. If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected thereby.

54.180. – Disclaimer. The City in no way guarantees or implies that areas will be free from flooding or flood damages. The City does not assume a specific duty as to individual property owners to enforce this ordinance but is enacting this Chapter as a general regulation. This ordinance shall not create liability on the part of the City or its officers or employees for any flood damage that may result from the failure to comply with any portion of this Chapter or any administrative decisions made pursuant thereto, whatever the cause.

54.190. – Abrogation and greater restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

54.200. – Relation to other laws. Neither Chapter 54 nor any administrative decision made under it exempts the applicant or any other person from procuring other required permits or complying with the requirements and conditions of such permits or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any other person arising from activity regulated by Chapter 54.

54.210. – Effective date. This ordinance shall become effective on January 1, 2022.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-076 amending Resolution 2020R-384 entitled “Ordering the work to proceed and adopting the special assessments for the Plymouth Ave N (Xerxes Ave N to Penn Ave N) Street Reconstruction Project No. 6771 (PV152),” adopted December 18, 2020, to reduce the special assessment for the property located at 1235 Washburn Ave N.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-076

By Reich

Amending Resolution 2020R-384 entitled “Ordering the work to proceed and adopting the special assessments for the Plymouth Ave N (Xerxes Ave N to Penn Ave N) Street Reconstruction Project No. 6771 (PV152),” adopted December 18, 2020, to reduce the special assessment for the property located at 1235 Washburn Ave N.

Resolved by The City Council of The City of Minneapolis:

That the above entitled resolution be amended to read as follows to reduce the assessments to be collected for the Plymouth Ave N (Xerxes Ave N to Penn Ave N) Street Reconstruction Project due to a reduction of the assessment for the property located at 1235 Washburn Ave N:

“Whereas, a public hearing was held on December 9, 2020, in accordance with Minneapolis City Charter, Article IX, Section 9.6(c), and Minneapolis Code of Ordinances, Section 24.110, to consider the proposed improvements as designated in Resolution 2020R-307 passed November 2, 2020, to consider the proposed special assessments as on file in the City Engineer’s Special Assessments Office, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2020R-307 passed November 2, 2020.

Be It Further Resolved that the proposed special assessments in the total amount of \$328,933.92 be reduced by \$9,465.74 to \$319,468.18 due to a reduction of the assessment for the property located at 1235 Washburn Ave N also known as PID 2002924120127, for the Plymouth Ave N Street Reconstruction Project (Levy 01026, Project 6771C, PV152), as on file in the City Engineer’s Special Assessments Office, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) with the interest charged at the rate to be determined by the Finance Department, with collection of the special assessments to begin on the 2022 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) with the interest charged at the rate to be determined by the Finance Department, with collection of the special assessments to begin on the 2022 real estate tax statements.”

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-077 amending Resolution 2020R-385 entitled “Requesting the Board of Estimate and Taxation authorize the City’s issuance and sale of assessment bonds in the amount of \$328,933.92 for certain purposes other than the purchase of public utilities,” adopted December 18, 2020, to reduce the amount of assessment bonds to be sold for the Plymouth Ave N Street Reconstruction Project.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-077
By Fletcher

Amending Resolution 2020R-385 entitled “Requesting the Board of Estimate and Taxation authorize the City’s issuance and sale of assessment bonds in the amount of \$328,933.92 for certain purposes other than the purchase of public utilities,” adopted December 18, 2020, to reduce the amount of assessment bonds to be sold for the Plymouth Ave N Street Reconstruction Project.

Resolved by The City Council of The City of Minneapolis:

That the above entitled resolution be amended to read as follows to reduce the bonds requested to be sold for the Plymouth Ave N (Xerxes Ave N to Penn Ave N) Street Reconstruction Project due to the reduction of the assessment for the property located at 1235 Washington Ave N:

“Requesting the Board of Estimate and Taxation authorize the City’s issuance and sale of assessment bonds in the amount of ~~\$328,933.92~~ \$319,468.18 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to authorize the City to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Plymouth Ave N Street Reconstruction Project, Special Improvement of Existing Street No. 6771, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments payable in the same manner as real estate taxes.”

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-078 designating the location and improvements proposed to be made in the 2021 Concrete Streets Rehabilitation Program, Project No. 2340 (PV108).

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-078

By Reich

Designating the location and improvements proposed to be made in the 2021 Concrete Streets Rehabilitation Program, Project No. 2340 (PV108).

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Minneapolis City Charter, Article IX, Section 9.6(c), by concrete repair and diamond grind overlay and other improvements as necessary:

6th St S from Cedar Ave to 15th Ave S;
46th St E from 28th St S to 36th Ave S; and
34th Ave S from 43rd St E to E Minnehaha Parkway.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0217

The Minneapolis City Council hereby adopts a report receiving a cost estimate of \$3,398,245 for street rehabilitation improvements and a list of benefited properties for the 2021 Concrete Streets Rehabilitation Program, Project No. 2340 (CPV108), as designated by Resolution 2021R-078, passed March 12, 2021, and directs that the City Engineer prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2021 Uniform Assessment Rates.

Further, a public hearing is scheduled for April 21, 2021, in accordance with Minneapolis City Charter, Article IX, Section 9.6(c), and Minneapolis Code of Ordinances, Section 24.110, to consider approving the rehabilitation of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0218

The Minneapolis City Council hereby authorizes easement agreements with CenterPoint Energy for permanent utility easements on City property located at 50 Dupont Ave N and 103 Lyndale Ave N, as further set forth in Legislative File No. 2021-00255 on file in the Office of the City Clerk.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0219

The Minneapolis City Council hereby authorizes an increase to Contract No. COM0002700 with Michels Corporation, in the amount of \$22,541.78 for a total amount not to exceed \$518,965.78, for additional quantities required and work necessary due to unforeseen conditions for the Penn Ave N Water Main Structural Lining Project, all in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

COUNCIL ACTION 2021A-0220

The Minneapolis City Council hereby:

1. Authorizes an agreement with Hennepin County, in the amount of \$200,000, for cost participation for the Queen Ave N Bicycle Boulevard Project.

2. Passage of Resolution 2021R-079 approving appropriation of funds to the Public Works Department.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2020R-079

By Fletcher

Amending The 2021 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue for the Public Works Department with Hennepin County funds for the Queen Ave N Bicycle Boulevard Project by \$200,000 (04100-9010937-BP005).

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

On behalf of the Transportation & Public Works Committee, Reich offered Resolution 2021R-080 increasing the appropriation for the 2021 Parkway Paving Program (PV006) by \$700,000 and expressing the City's intent to reimburse the expenditures with proceeds of tax-exempt bonds to be approved and issued as part of the 2022 Capital Program in order to combine the 2021 and 2022 Parkway Paving Programs for construction to occur in 2021.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-080

By Fletcher

Amending the 2021 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the capital appropriation for the 2021 Parkway Paving Program (PV001) by \$700,000 in Fund 04100, Department 9010937, to be reimbursed by proceeds of tax-exempt bonds to be issued in 2022 as part of the 2021 Parkway Paving Program. The 2021 and 2022 Parkway Paving Programs are being combined for construction to occur in 2021.

Be It Further Resolved that the City Council is hereby declaring its official IRS intent to reimburse construction expenses to be incurred in 2021 for the above-referenced project with proceeds of bonds to be issued in 2022.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

REPORTS OF SPECIAL COMMITTEES

The EXECUTIVE Committee submitted the following report:

Jenkins moved to receive and file the appointment by the Executive Committee of Candace Falk to the Civil Service Commission, Seat 2, for a three-year term beginning March 1, 2021, and ending February 28, 2021; and to refer the appointment to the Policy Government & Oversight Committee for the setting of a public hearing.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

INTRODUCTION & REFERRAL CALENDAR

Pursuant to notice, Fletcher, Schroeder, Gordon, and Ellison moved to introduce the subject matter of an ordinance amending Title 12 of the Minneapolis Code of Ordinances relating to Housing, which was given its first reading and referred to the Business, Inspections, Housing & Zoning Committee, creating a new Chapter 246 entitled “Tenant Protections” and adding thereto provisions creating a right of first refusal and/or opportunity to purchase for tenants and qualified developers to the sale of rental housing.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Bender, Schroeder, Johnson, Palmisano (12)

Noes: (0)

Absent: Cano (1)

Adopted.

RESOLUTIONS

Ellison moved to adopt Resolution 2021R-081 honoring Grace Wachlarowicz for her Service and Education to the City of Minneapolis.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-081

**By Ellison, Reich, Gordon, Fletcher, Cunningham, Osman
Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, and Palmisano**

Honoring Grace Wachlarowicz for her Service and Dedication to the City of Minneapolis.

Whereas, Grace Wachlarowicz was appointed as Assistant City Clerk and Director of the Elections & Voter Services Division, and confirmed by vote of the City Council at its meeting on April 13, 2012, and began her employment with the City of Minneapolis on May 1, 2012; and

Whereas, during her nine years of service, Grace Wachlarowicz transformed the City's Elections & Voter Services Division with her core values of collaboration, partnership, and communication to become a model of excellence recognized at national, state, and regional levels for its exemplary focus on voter services, innovative program design and delivery, and an unwavering commitment to ensuring all voters with equal access to the ballot box; and

Whereas, Ms. Wachlarowicz has been a vocal advocate of voter rights and is widely respected and recognized as an expert in election administration, being regularly sought out for advice and guidance, to participate in educational conferences and workshops, and to provide testimony before policymakers and other key decision-making bodies about the planning and administration of elections, election-related systems and technology, voter services, and other topics; and

Whereas, as an extension of her commitment to voter service and ballot access, Ms. Wachlarowicz launched the City's Voter Outreach & Education program to ensure that voters are "election ready" for every election through a series of planned outreach activities, partnerships with community-based organizations, and educational initiatives; and

Whereas, the City of Minneapolis has been a national leader in the use of Ranked-Choice Voting (RCV) and Ms. Wachlarowicz was directly responsible for championing efforts to review and refine policies and procedures to administer elections using this alternative methodology, to collaborate with other jurisdictions, and to solidify consistent practices, including the formation of a multi-jurisdiction work group in Minnesota that is exploring ways to continue building best practices in the administration of RCV elections; and

Whereas, during her tenure, Ms. Wachlarowicz has been responsible for all aspects of planning and administering 18 specific election events—encompassing three presidential election cycles, two gubernatorial election cycles, two municipal election cycles, and five special elections—which included ensuring ballot access and the integrity of six separate election events in 2020 in the middle of a global health pandemic and numerous other challenges; and

Whereas, Ms. Wachlarowicz is an industry leader, role model, and mentor to her professional team of election administrators as well as thousands of seasonal staff and election judges as well as professional colleagues across the United States, helping to identify and encourage their development and creating career opportunities and pathways for numerous individuals who have gone on to successful careers in the City of Minneapolis and other local government agencies; and

Whereas, Ms. Wachlarowicz has been a member of numerous professional associations including Municipal Clerks & Finance Officers Association of Minnesota, National Association of Election Officials (Election Center), Center for Technology & Civic Life Advisory Board, International Association of Government Officials, National States Geographic Information Council Geo-Enabled Elections Circle of Advisors, League of Minnesota Cities Elections Task Force, Ranked Choice Voting Resource Center Advisory Board, League of Women Voters Minneapolis, and this service has brought recognition and credit back to the City of Minneapolis; and

Whereas, throughout her career, Ms. Wachlarowicz has demonstrated the true spirit of public service, has earned the trust and confidence of elected officials, colleagues, and industry partners, as well as the community at large, and the City of Minneapolis will continue to benefit from Grace Wachlarowicz's leadership, passion, and impact for years to come;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and City Council, in recognition of the truly transformational leadership, legacy of excellence in election administration, and a true commitment to the spirit of public service she has had during a long and distinguished career, do hereby present this resolution to Grace Wachlarowicz together with their most sincere thanks and appreciation and best wishes in all of her future endeavors.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

Goodman moved to adopt Resolution 2021R-082 recognizing March 10, 2021, as Abortion Provider Appreciation Day in the City of Minneapolis.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2021R-082

**By Goodman, Reich, Gordon, Fletcher, Cunningham, Ellison,
Osman, Jenkins, Cano, Bender, Schroeder, Johnson, and Palmisano**

Recognizing March 10, 2021, as Abortion Provider Appreciation Day in the City of Minneapolis.

Whereas, on March 10, 1993, Dr. David Gunn was shot and killed by a white supremacist anti-abortion extremist, in the first known instance of the murder of an abortion provider; and

Whereas, to honor his memory, March 10 has since been established as a day to show appreciation for the high-quality care that abortion providers and clinic staff provide and to celebrate their courage, compassion, and dedication to their work; and

Whereas, the decision about whether and when to become a parent is one of the most important life decisions a person can make, and abortion providers must be accessible in order for people to make real decisions about their bodies, lives, and futures; and

Whereas, abortion providers and clinic staff help to ensure that all women, trans men, and other people who can become pregnant can make their own decisions about their bodies and their pregnancies and support their patients' decisions by treating them with dignity, compassion, and respect; and

Whereas, abortion is one of the safest medical procedures in the United States, and experts at the National Academies of Science, Engineering, and Medicine published a study in 2018 confirming that scientific evidence consistently indicates that legal abortions in the United States, including those performed by advanced practice clinicians and those performed in the second trimester, are extremely safe; and

Whereas, the report also reinforced the well-documented reality that recent restrictions in some states have forced many abortion clinics to shut down, such that ninety percent of counties in the United States today do not have an abortion provider, while the Abortion Care Network found that the number of independent abortion clinics in the United States has declined by a third since 2012; and

Whereas, there are 98 fake "Women's Clinics" and 7 abortion clinics in the State of Minnesota; and

Whereas, this shortage creates and increases the out-of-pocket costs and logistical burdens that patients face to get care, while exposing the remaining abortion providers and staff to increased levels of harassment and politically motivated restrictions; and

Whereas, the National Abortion Federation’s 2019 statistics on violence and disruption found an alarming escalation, including an increase in incidences of assault and battery, bomb threats, invasions and trespassing, and clinic obstruction compared to 2018; and

Whereas, there is a correlation between white supremacy and anti-abortion rhetoric and history has shown that violence increases when there is a Democratic president; and

Whereas, the Supreme Court of the United States now contains a majority of Justices who may not interpret the Constitution to provide protection for the right to end a pregnancy and may overturn or severely limit *Roe v. Wade*, which includes the threat of women and abortion providers being arrested and sent to jail; and

Whereas, abortion providers and clinic staff courageously provide care in the face of these restrictions, political interference, and threats to their personal safety; and

Whereas, the country is currently facing two ongoing crises, the COVID-19 pandemic and police brutality, that disproportionately impact people of color, especially Black people; and

Whereas, in this important moment of protest against systemic racism, it is more important than ever to affirm the right of all people to control their lives, their bodies, and their futures and that includes the right to choose if, when, and how to become a parent and to parent children in a safe and healthy environment; and

Whereas, reproductive health care, including abortion care, is essential, time-sensitive health care that cannot be delayed even during a global pandemic; and

Whereas, abortion providers in Minneapolis are on the frontlines of the COVID-19 pandemic as they work with public health providers, hospitals, and others to serve their communities, conserve health resources, and ensure patients can get the time-sensitive reproductive health care they need, including birth control and abortion, while prioritizing keeping their patients and staff safe; and

Whereas, abortion providers and the clinic staff who support them and their patients are an essential and valued part of Minneapolis, providing quality, compassionate, and necessary health care to both community members and those who travel here for care; and

Whereas, Minneapolis is proud to be home to Planned Parenthood’s Minneapolis Health Center and is committed to ensuring their safety and continued operation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and City Council do hereby recognize March 10, 2021, as Abortion Provider Appreciation Day to honor Dr. Gunn’s memory and to recognize and celebrate the courage, compassion, and high-quality care that abortion providers and clinic staff provide, especially Planned Parenthood’s Minneapolis Health Center.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

CLOSED SESSION

City Attorney Jim Rowader stated that the meeting may, upon a proper motion, be closed under the Minnesota Open Meeting Law for the purpose of discussing attorney-client communications in the litigation matter of Kaarin Nelson Schaffer, as Trustee for the Next of Kin of George P. Floyd, Jr., deceased v. Derek Chauvin, Tou Thao, Thomas Lane, J. Alexander Kueng, and the City of Minneapolis.

At 11:57 a.m., Bender moved to adjourn to a closed session, pursuant to Minnesota Statutes Section 13D.05, Subdivision 3(b) for the purpose of discussing the litigation matter of Kaarin Nelson Schaffer, as Trustee for the Next of Kin of George P. Floyd, Jr., deceased v. Derek Chauvin, Tou Thao, Thomas Lane, J. Alexander Kueng, and the City of Minneapolis.

At 12:04 p.m., Council President Bender called the closed session to order, a quorum being present.

Present – Council Members Kevin Reich, Cam Gordon, Steve Fletcher, Phillipe Cunningham, Jeremiah Ellison, Jamal Osman, Lisa Goodman, Andrea Jenkins, Alondra Cano, Lisa Bender, Jeremy Schroeder, Andrew Johnson, Linea Palmisano.

Also Present – Mayor Jacob Frey; City Coordinator Mark Ruff; City Attorney Jim Rowader; Deputy City Attorneys Erik Nilsson and Mary Ellen Heng; Assistant City Attorneys Tracey Fussy and Brian Carter; Gia Vitali, Mayor’s Chief of Staff; Police Chief Medaria Arradondo; Chief Financial Officer Dushani Dye; Communications Director Greta Bergstrom; City Clerk Casey Carl; and Ted Arbeiter, City Clerk’s Office.

Rowader and Bergstrom summarized the Kaarin Nelson Schaffer, as Trustee for the Next of Kin of George P. Floyd, Jr., deceased v. Derek Chauvin, Tou Thao, Thomas Lane, J. Alexander Kueng, and the City of Minneapolis lawsuit from 12:07 p.m. to 12:35 p.m.

At 12:36 p.m., Jenkins moved to open.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

The closed session of the City Council meeting was recorded with the recording on file in the Office of the City Clerk.

At 12:37 p.m., the meeting was reconvened in open session.

Present – Council Members Kevin Reich, Cam Gordon, Steve Fletcher, Phillipe Cunningham, Jeremiah Ellison, Jamal Osman, Lisa Goodman, Andrea Jenkins, Alondra Cano, Lisa Bender, Jeremy Schroeder, Andrew Johnson, Linea Palmisano.

COUNCIL ACTION 2021A-0221

Goodman moved to approve the settlement of all claims asserted in Kaarin Nelson Schaffer, (“Plaintiff”) as Trustee for the Next of Kin of George P. Floyd, Jr., instituted legal proceedings against the City of Minneapolis, et al., in United States District Court, Civ. No. 20-1577 (SRN/TNL) by payment of \$27,000,000 to the Estate of the Next of Kin for George P. Floyd, Jr., via persons and/or entities as determined by the Court’s anticipated distribution order from Fund/Org. 06940-1500100-602004-145400, of which \$500,000 will be used for the benefit of the community around 38th and Chicago in Minneapolis; and to authorize the City Attorney’s Office to execute any documents necessary to effectuate the settlement and dismissal.

On roll call, the result was:

Ayes: Reich, Gordon, Fletcher, Cunningham, Ellison, Osman, Goodman, Jenkins, Cano, Bender, Schroeder, Johnson, Palmisano (13)

Noes: (0)

Absent: (0)

Adopted.

ADJOURNMENT

The meeting was adjourned at 12:45 p.m.

Casey Joe Carl,
City Clerk